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## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL CASE NO. 1:11cv148

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) JUDGMENT
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For the reasons set forth in the Memorandum of Decision and Order filed herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff's Motion for Summary Judgment is **DENIED**; the Defendant's Motion for Summary Judgment is **GRANTED**; and the Commissioner's decision is hereby **AFFIRMED**.

Signed: June 26, 2012

Martin Reidinger
United States District Judge