

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONNA L. CARTER	:	CIVIL ACTION
	:	
v.	:	NO. 07-5525
	:	
MICHAEL J. ASTRUE, Commissioner of the Social Security Administration	:	
	:	

ORDER

AND NOW, this 26th day of February, 2009, upon consideration of Plaintiff's Motion for Summary Judgment Or, In the Alternative, Plaintiff's Motion for Remand (Document No. 8), the defendant's response (Document No. 10), the Report and Recommendation of United States Magistrate Judge Henry S. Perkin (Document No. 12), the lack of any objection to the Report and Recommendation, and after a thorough and independent review of the record, it is **ORDERED** as follows:

1. The Magistrate Judge's Report is **APPROVED** and his Recommendation is **ADOPTED**¹;
2. The plaintiff's Request for Review is **GRANTED IN PART** and **DENIED IN PART**; and
3. This case is **REMANDED** pursuant to the fourth sentence of 42 U.S.C. § 405(g) to the Commissioner of Social Security for further proceedings consistent with the Report and Recommendation.

/Timothy J. Savage
TIMOTHY J. SAVAGE, J.

¹Although we approve and adopt the magistrate judge's report and recommendation, we do not join in his characterization that the ALJ "acted in clear dereliction of her duty to explicitly weigh such evidence." We conclude that the ALJ merely failed to properly discuss and weigh the records from the Northeast Treatment Centers and the GAF scores.