

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

JOSEPH STANLEY PODSIEDLAK                   :   CIVIL ACTION  
  :   :  
  :   :  
  :   :  
  :   No. 08-5739  
JO ANNE B. BARNHART

**ORDER**

AND NOW, this 31st day of March, 2010, after consideration of the pleadings and record and after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey, and Commissioner of the Social Security Administration's Objections thereto, it is hereby ORDERED the Report and Recommendation is APPROVED and ADOPTED, in part. The Commissioner's Objection to Magistrate Judge Hey's Recommendation regarding remand for consideration of Podsiedlak's obesity is SUSTAINED. On remand, the ALJ is not required to consider Podsiedlak's obesity. The remainder of Magistrate Judge Hey's Report and Recommendation is APPROVED and ADOPTED.

The Clerk of Court is DIRECTED to mark the above-captioned case CLOSED for statistical purposes.

BY THE COURT:

/s/ Juan R. Sánchez  
Juan R. Sánchez  
United States District Judge