

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

ROBERT ALTOMARE,
Plaintiff,
v.

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CIVIL ACTION NO. 13-7297

**CAROLYN COLVIN, acting Commissioner
of the Social Security Administration,**
Defendant.

ORDER

AND NOW, this 31st day of August 2015, upon consideration of the Plaintiff's Motion in Support of Request for Review [Doc. No. 12], Defendant's response and Plaintiff's reply, the Report and Recommendation ("R & R") of United States Magistrate Judge Carol Sandra Moore Wells [Doc. No. 16], the objections thereto, and the response to the objections, and after a careful, independent review of the complete administrative record, it is hereby **ORDERED** that:

1. The Clerk of Court is **DIRECTED** to remove this action from civil suspense;
2. Plaintiff's Objections are **OVERRULED** for the reasons set forth in the R & R, and the R & R is **APPROVED AND ADOPTED** insofar as it addresses a) whether the ALJ properly found that Plaintiff did not meet listed impairment 1.02; and b) whether the ALJ properly assessed Plaintiff's exertional limitations; and c) the propriety of applying Medical Vocational Rule 201.09 when the ALJ has found that an individual is capable of light work;
3. However, upon independent consideration of the record, and for the reasons stated in the accompanying memorandum opinion, the Court **DOES NOT APPROVE AND ADOPT** the R & R with regard to the ALJ's treatment of Plaintiff's mental illness.

4. The case is **REMANDED** to the Commissioner in accordance with the fourth sentence of 42 U.S.C. § 405(g) for proceedings consistent with the Memorandum Opinion and Order.

5. Judgment is entered in favor of Plaintiff Robert Altomare and against Defendant Carolyn Colvin, Acting Commissioner of the Social Security Administration.

6. The Clerk of Court is **DIRECTED** to close this case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.