

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

CHARLES DINKEL,  
Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Defendant.

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CIVIL ACTION

NO. 09-cv-3015

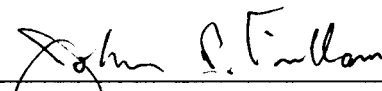
**ORDER**

AND NOW, this 7<sup>th</sup> day of March, 2011, upon  
consideration of Plaintiff's Motion for Summary Judgment and Defendant's response thereto,  
and after careful review of the Report and Recommendation of United States Magistrate Lynne

A. Sitarski, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
  2. The Claimant's Request for Review is GRANTED IN PART and DENIED IN PART;
- and
3. The matter shall be REMANDED for the ALJ to explicitly consider the testimony of the lay witness and for reconsideration of Plaintiff's credibility and his residual functional capacity.

BY THE COURT:

  
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JOHN P. FULLAM, J.