Russell v. Secretary of Health and Human Services Doc. 26

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

ELIZABETH M. RUSSELL,	:	
Plaintiff	:	
	:	
v.	:	**File No. 1:08-CV-91**
	:	
KATHLEEN SEBELIUS, Secretary	:	
of the United States Department of	:	
Health and Human Services,	:	
Defendant	:	

ORDER

The Magistrate Judge's Report and Recommendation was filed January 11, 2010. (Paper 25.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

The Plaintiff's Motion for Order Reversing the Secretary's Decision (Paper 15) is GRANTED. The Defendant's Motion for Order Affirming the Decision of the Secretary (Paper 21) is DENIED. This case is REMANDED for further administrative proceedings; if necessary, a re-weighing of the evidence and another decision consistent with the Report and Recommendation.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 2nd day of February, 2010.

/s/ J. Garvan Murtha
J. Garvan Murtha
Senior United States District Judge

Dockets.Justia.com