

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

KITTY MARIE FREEGARD,
Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner,
Social Security Administration,
Defendant.

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File No. 1:11-cv-12 -jgm

ORDER

The Magistrate Judge's Report and Recommendation was filed September 20, 2011. (Doc. 14.) 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 Defendant's Motion for Order Affirming Decision of Commissioner (Doc. 12) is DENIED. Plaintiff's Motion for Order Reversing the Commissioner's Decision (Doc. 9) is GRANTED in part. This case is remanded for reassessment of the evidence and further development of the record in accordance with the Report and Recommendation. Plaintiff's request that the matter be remanded for a calculation of benefits is DENIED.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 17th day of October, 2011.

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