

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2013 JUN 10 PM 4:44

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LORI CHANDLER,)
)
 Plaintiff,)
)
 v.)
)
 SOCIAL SECURITY ADMINISTRATION,)
 Commissioner,)
)
 Defendant.)

Case No. 5:12-cv-155

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

(Docs. 12, 22, and 26)

This matter came before the court for a review of the Magistrate Judge's May 16, 2013 Report and Recommendation ("R & R") in the above-captioned matter. Neither party has objected to the R & R, and the deadline for doing so has expired. The Magistrate Judge recommended that the court grant the Plaintiff's motion to reverse the Commissioner's decision and deny the Government's motion to affirm.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); *Cullen v. United States*, 194 F.3d 401, 405 (2d Cir. 1999). The district judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *accord Cullen*, 194 F.3d at 405. A district judge, however, is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See*

Campbell v. United States Dist. Court, 501 F.2d 196, 206 (9th Cir. 1974), *cert. denied*, 419 U.S. 879 (1974).

The court hereby ADOPTS the Magistrate Judge's R & R as the court's Opinion and Order in this case and hereby GRANTS Plaintiff's motion to reverse the Commissioner's decision (Doc. 12), DENIES the Government's motion to affirm (Doc. 22), and ORDERS that this case be REMANDED for further proceedings and a new decision. The court declines to direct the Commissioner to reassign the matter to a different ALJ.
SO ORDERED.

Dated at Rutland, in the District of Vermont, this 10th day of June, 2013.



Christina Reiss, Chief Judge
United States District Court