

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

IVELISSE J. MORALES : CIVIL ACTION
: :
v. : :
: :
MICHAEL J. ASTRUE, : :
Commissioner of Social Security : NO. 07-cv-5532-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

October 23, 2008

In this social security disability case, Magistrate Judge Jacob Hart has filed a comprehensive Report and Recommendation, suggesting that the denial of benefits should be reversed, and the case remanded for calculation of benefits. The Commissioner has filed "objections" to the Magistrate's Report, but this submission consists merely of generalized arguments, disagreeing with the Magistrate Judge's result. After carefully reviewing the Commissioner's objections, I conclude that they do not impugn the validity of the Magistrate Judge's Recommendation.

The Commissioner suggests that, in the alternative, rather than remand for calculation of benefits, the case should be remanded for further evidentiary development. But the facts were fully developed before the ALJ, and I see no need for further delay. The Commissioner does not specify what additional evidence might be available.

For the reasons set forth in the Magistrate Judge's Report, I conclude that the Report should be approved, and the Recommendation adopted.

An Order follows.

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ORDER

AND NOW, this 23rd day of October 2008, upon consideration of the Report and Recommendation of United States Magistrate Judge Jacob P. Hart, and after careful consideration of the objections to that Report, IT IS ORDERED:

1. The Magistrate Judge's Report is APPROVED and his Recommendation is ADOPTED.
2. The claimant's request for review is GRANTED, and the case is REMANDED for the calculation of benefits.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.