

**UNITED STATES DISTRICT COURT  
District of Maine**

<b>MONTE ELLIOTT SMITH,</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>Civil No. 09-422-P-S</b>
	)	
<b>MICHAEL J. ASTRUE, Commissioner Of Social Security,</b>	)	
	)	
<b>Defendant</b>	)	

**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on June 23, 2010, his Recommended Decision (Docket No. 14). Defendant filed its Objection to the Recommended Decision (Docket No. 15) on July 8, 2010. Plaintiff filed his Response to Defendant's Objection to the Recommended Decision (Docket No. 16) on July 22, 2010.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.

2. It is hereby **ORDERED** that the Commissioner's Decision is **VACATED**, and the case remanded for further proceedings.

/s/George Z. Singal  
U.S. District Judge

Dated: August 4, 2010

**Plaintiff**

**MONTE ELLIOTT SMITH**

represented by **DANIEL W. EMERY**  
36 YARMOUTH CROSSING DR  
P.O. BOX 670  
YARMOUTH, ME 04096  
(207) 846-0989  
Email: danemery@maine.rr.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**SOCIAL SECURITY  
ADMINISTRATION  
COMMISSIONER**

represented by **JOSEPH DUNN**  
JFK FEDERAL BUILDING  
ROOM 625  
BOSTON, MA 02203-0002  
(617) 565-4275  
Email: joe.dunn@ssa.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**NICOLE A. MENDIZABAL**  
SOCIAL SECURITY  
ADMINISTRATION  
OFFICE OF GENERAL COUNSEL,  
REGION I  
625 J.F.K. FEDERAL BUILDING  
BOSTON, MA 02203  
617-565-2386  
Email: nicole.mendizabal@ssa.gov  
*ATTORNEY TO BE NOTICED*

**Interested Party**

**SOCIAL SECURITY  
ADMINISTRATION**