

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

PETER McCOLLETT,)
)
Plaintiff,)
)
v.) Civil No. 04-81-B-W
)
JO ANNE B. BARNHART,)
Commissioner of Social)
Security,)
)
Defendant.)

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

The United States Magistrate Judge filed with the Court on November 24, 2004 his Recommended Decision. The Defendant filed her objections to the Recommended Decision on December 3, 2004 and the Plaintiff filed his response to those objections on December 14, 2004. 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 further ORDERED that the Commissioner's decision is VACATED and the case REMANDED for recalculation of the statutory offset based on the terms of the Plaintiff's amended workers' compensation settlements.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 13th day of April, 2005

Plaintiff

PETER MCCOLLETT

represented by **HARRY N. STARBRANCH**
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ATTORNEY TO BE NOTICED

V.

Defendant

**SOCIAL SECURITY
ADMINISTRATION
COMMISSIONER**

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