

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK**

Kristen M. H. v. Commissioner of Social Security

Kristen M. H. · No. 1:24-cv-1020 (BKS/PJE) · Decided February 24, 2026

OPINION

Hitchcock

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

KRISTEN M. H.,

Plaintiff, 1:24-cv-1020 (BKS/PJE) v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant. Appearances: For Plaintiff: Howard D. Olinsky Olinsky Law Group 250 South Clinton Street, Suite 210 Syracuse, NY 13202 For Defendant: Vernon Norwood Shannon Fishel Special Assistant United States Attorney Office of the General Counsel Social Security Administration 6401 Security Boulevard Baltimore, MD 21235 Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff filed this action under 42 U.S.C. § 405(g) seeking review of the Commissioner of Social Security’s denial of her application for Social Security disability insurance benefits and supplemental security income. (Dkt. No. 1). This matter was referred to United States Magistrate Judge Paul J. Evangelista for a Report-Recommendation. (Dkt. No. 4); Local Rule 72.3(e). On December 5, 2025, after reviewing the parties’ briefs, (Dkt. Nos. 10, 18), and the Administrative Transcript, (Dkt. No. 15), Magistrate Judge Evangelista issued a Report-Recommendation recommending that plaintiff’s cross-motion be granted, the Commissioner’s cross-motion be denied, and the Commissioner’s decision be reversed and remanded for further proceedings. (Dkt. No. 19). Magistrate Judge Evangelista advised the parties that under 28 U.S.C. § 636(b)(1), they had “fourteen days within which to file written objections” to the Report-Recommendation and that “failure to object to th[e] report within fourteen days will preclude appellate review.” (Dkt. No. 19, at 14 (citing *Roldan v. Racette*, 984 F.2d 85 (2d Cir. 1993)); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72. No objections were filed. The Court reviews de novo those portions of the Magistrate Judge’s findings and recommendations that have been properly preserved with a specific objection. *Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); 28 U.S.C. § 636(b)(1)(C). Findings and recommendations as to which there was no properly preserved objection are reviewed for clear error. *Id.* Neither of the parties has raised any objection to

Magistrate Judge Evangelista's Report-Recommendation. The Court has reviewed the Report-Recommendation for clear error and found none.¹ For these reasons, it is hereby ORDERED that Magistrate Judge Evangelista's Report-Recommendation (Dkt. No. 19) is ADOPTED in all respects; and it is further ORDERED that Plaintiff's cross-motion (Dkt. No. 10) is GRANTED; and it is further ORDERED, that Defendant's cross-motion (Dkt. No. 18) is DENIED, and the 1 In recommending remand, Magistrate Judge Evangelista found, inter alia, that the vocational expert "added . . . more restrictive conditions on plaintiff's light limitation." (Dkt. No. 19, at 12 (emphasis added)). This seems to have been a misstatement. Read in context, it appears that Magistrate Judge Evangelista intended to find that by excluding jobs with "unusually bright lights" and "flashing lights" only, the VE placed less restrictive conditions on plaintiff's light limitations than the ALJ, who found plaintiff's condition prohibited her from working in jobs with concentrated exposure to "bright light." (See *id.*). As no party objects, and the meaning is easily understood when read in context, the Court finds any error harmless. Commissioner's decision is reversed and remanded for further proceedings; and it is further ORDERED that the Clerk of the Court is directed to enter judgment and close this case. IT IS SO ORDERED. Dated: February 24, 2026 Syracuse, New York Brenda K. Sannes Chief U.S. District Judge