

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CLIFFORD ZAND,

97 CV 5049

Plaintiff,

MEMORANDUM

-against-

AND
ORDER

JOHN J. CALLAHAN, COMMISSIONER,
SOCIAL SECURITY ADMINISTRATION,

Defendant.

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MICHAEL D. SCHOFFMAN, ESQ.
26 Court Street, Suite 700
Brooklyn, NY 11242
for plaintiff

ZACHARY W. CARTER, United States Attorney
Eastern District of New York
(Richard M. Molot, of counsel)
One Pierrepont Plaza
Brooklyn, NY 11201
for defendant

NICKERSON, District Judge:

Plaintiff Clifford Zand brought this proceeding to review the final determination of the Commissioner of Social Security denying plaintiff disability insurance and supplemental security income benefits. The parties stipulated to remand the case to the Commissioner

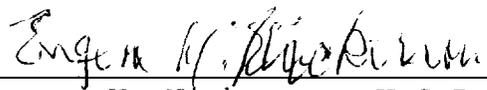
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because the cassette tape of the administrative hearing could not be found. The case was remanded on February 10, 1998. The tape has now been located. The Commissioner, with plaintiff's consent, moves to reopen the case and to vacate the judgment of remand.

The motion is granted. The judgment remanding the matter is vacated, and the clerk of court is directed to reopen the case. The Commissioner shall serve an answer to the complaint on or before June 6, 1998, and shall make a dispositive motion on or before August 6, 1998.

So ordered.

Dated: Brooklyn, New York
May 8, 1998


Eugene H. Nickerson, U.S.D.J.