

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FILED

2010 OCT 22 A 10:08

U.S. DISTRICT COURT
NEW HAVEN, CT

Civil No. 3:10-CV-912 (CSH)

ROBERT J. WISE,
Plaintiff,

v.

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,
Defendant.

RULING ACCEPTING AND ADOPTING RECOMMENDED RULING

Plaintiff filed this action seeking review of a final decision of the Commissioner of Social Security. Plaintiff contends that errors were made in assessing the dates of his eligibility for disability and retirement benefits, which resulted in his not receiving the full benefit to which he is entitled. Defendant filed a motion to dismiss [Doc. 6] on the basis of res judicata, citing a prior proceeding on this question before District Judge Christopher Droney.¹

Defendant's motion to dismiss was referred to Magistrate Judge Joan Glazer Margolis for consideration and a ruling. Her decision was rendered on September 15, 2010 [Doc. 8], familiarity with which is assumed. In sum, the Magistrate Judge concluded that "The final decision of which plaintiff seeks review here is the decision of ALJ Zwecker, dated October 14, 2005, the same decision of which plaintiff sought review in his case before Judge Droney, which . . . was adjudicated on the merits [T]he prior action involved the same parties and the same claim as asserted in this case, and the United States District Court ultimately affirmed the decision of the Commissioner, and that decision was upheld on appeal to the Second Circuit." [Doc. 8 at 4-5]

Plaintiff objected to that ruling [Doc. 9], raising many of the same arguments that he had

¹ Wise v. Comm'r of Social Sec., 3:06-cv-333 (CFD).

previously advanced in opposition to Defendant's motion to dismiss, which arguments were duly considered and addressed by Magistrate Margolis in the decision at issue. The recommended ruling of the Magistrate Judge, Plaintiff's objections thereto, and the relevant portions of the record have been reviewed. The Court concludes that the Magistrate Judge's ruling reached the correct result based thereon. Accordingly, the ruling of the Magistrate Judge [Doc. 8] is **accepted and adopted**. Defendant's Motion to Dismiss on the basis of res judicata [Doc. 6] is **granted**. Judgment shall enter accordingly.

SO ORDERED.

Dated at New Haven, Connecticut, this 21st day of October, 2010.

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Ellen Bree Burns
Senior United States District Judge