

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

EUGENE ROMERO,

Plaintiff,

v.

Case No: 08-2584-JWL

**MICHAEL J. ASTRUE,
Commissioner of Social Security
Administration,**

Defendant.

ORDER

On September 14, 2009, a Report and Recommendation (doc. #12) was issued by the Honorable Gerald B. Cohn, Magistrate Judge. The time in which to file objections has passed and to date no objections have been filed. The court has reviewed the Report and Recommendation and finds that it should be adopted.

IT IS THEREFORE ORDERED BY THE COURT that the Report and Recommendation (doc. #12) is adopted. The Commissioner's decision is REVERSED and in accordance with the fourth sentence of 42 U.S.C. § 405(g) this case is REMANDED to the Commissioner with instructions to immediately award benefits based on an onset date of disability of July 2, 2000.

IT IS SO ORDERED.

Dated this 30th day of September, 2009, at Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge