

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

SHARIESE JACKSON,	)	
	)	
Claimant,	)	
	)	
v.	)	Case No. 4:16-cv-1329-KOB
	)	
COMMISSIONER, SOCIAL SECURITY	)	
ADMINISTRATION,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**

On June 20, 2018, the magistrate judge entered a report recommending that the court affirm the Commissioner's decision. (Doc. 18). The claimant filed objections on July 20, 2018. (Doc. 20). For the following reasons, the court **OVERRULES** all objections, **ACCEPTS** and **ADOPTS** the report and recommendation, and will **AFFIRM** the Commissioner's decision.

First, the claimant states that the ALJ erred in giving little weight to Dr. Iyer's consulting opinion. The court **OVERRULES** that objection. The claimant fails to point out any specific error of law or fact in the magistrate judge's report and recommendation. Instead, she disagrees with the magistrate judge's recommendation on that issue and block quotes cases with absolutely no analysis and fails to show how those quotes apply to her objection. The court agrees with the magistrate judge that the ALJ did not err in giving Dr. Iyer's opinion little weight and that substantial evidence supports the ALJ's reasons for that weight.

In her second objection, the claimant asserts that res judicata prevents the ALJ from changing her finding regarding the weight she gave Dr. Iyer's opinion in the second ALJ decision. The court also **OVERRULES** that objection. The claimant cites 20 C.F.R. §§ 404.987 and 404.989 to support her argument. However, that section deals with "re-opening" an opinion, not what the ALJ can do after an Appeals Council remand. The magistrate judge correctly and thoroughly explained the correct C.F.R. section and case law on this issue in his report. The court agrees with the magistrate judge that the ALJ was not bound by her findings in her first decision after the Appeals Council remanded the case to her and directed her to write a new opinion.

After careful consideration of the record in this case, the magistrate judge's report and recommendation, and the claimant's objections, the court **OVERRULES** all objections, **ADOPTS** the magistrate judge's report, and **ACCEPTS** his recommendation. The court finds that the decision of the Commissioner should be **AFFIRMED**.

The court will enter a separate Final Order in conformity with this Memorandum Opinion.

DONE and ORDERED this 20<sup>th</sup> day of September, 2018.

  

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**KARON OWEN BOWDRE**

CHIEF UNITED STATES DISTRICT JUDGE