

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION
CIVIL ACTION NO. 5:10CV42-J

ANTHONY BREADFORT

PLAINTIFF

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security

DEFENDANT

MEMORANDUM OPINION AND ORDER

Plaintiff Anthony Breadfort seeks Disability Insurance Benefits which were denied by the Commissioner. This matter was referred to United States Magistrate Judge W. David King who recommends that the final decision of the Commissioner be affirmed and the plaintiff's claim dismissed.

The plaintiff has timely filed objections to the Magistrate Judge's Report, arguing: 1) the ALJ erred in failing to consider plaintiff's disability rating by the Department of Veterans Affairs; 2) the ALJ erred in failing to find plaintiff suffers from severe mental impairments and in failing to properly consider the effects of plaintiff's mental impairments on his ability to work; and 3) alternatively, the case should be remanded pursuant to sentence six for consideration of new evidence that arose since the denial of the claim.

Thorough review of the record in light of the claimant's arguments reveals that the ALJ's conclusions are supported by substantial evidence of record. The issues in contention were sufficiently addressed in the Magistrate Judge's Report and Recommendation. In sum, this Court has conducted a de novo review of the Magistrate Judge's Report and Recommendation in light of the objections thereto and the record as a whole. The Magistrate Judge's Report is hereby adopted, and its findings and conclusions are incorporated by reference herein.

Accordingly, for the reasons stated herein, IT IS ORDERED:

- 1) The Magistrate Judge's Report and Recommendation is ADOPTED, and those findings and conclusions are incorporated by reference herein;
- 2) The final Decision of the Commissioner denying benefits is AFFIRMED; and
- 3) Plaintiff's Complaint is DISMISSED, with prejudice.

This is a final and appealable Memorandum Opinion and Order, and there is no just cause for delay.