

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

BUDDY PARKER,	)	
	)	
Plaintiff,	)	8:15CV186
	)	
v.	)	
	)	
CAROLYN W. COLVIN, Acting	)	MEMORANDUM OPINION
Commissioner of the Social	)	
Security Administration,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the Court for review of a final decision of the Acting Commissioner of Social Security ("Commissioner"), wherein the Commissioner denied the plaintiff, Buddy Parker's ("plaintiff" or "Parker") request for disability insurance benefits and supplemental security income. After careful review of the briefs, the record before the Court, and the applicable law, the Court finds that the Commissioner's decision should be affirmed.

**BACKGROUND**

Plaintiff claims his disabilities began on July 1, 2012 (Filing No. [26](#) at 6). On July 9, 2013, plaintiff filed for Disability Insurance Benefits and Supplement Security Income under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 401 *et seq.*; 42 U.S.C. § 1381a (Filing No. [1](#) at 1; Filing No. [25](#) at 6). The Social Security Administration denied both

plaintiff's initial application and his request for reconsideration (Filing No. [29](#) at 3 (citing Tr. 131, 132, 241-44, 245-48, 169-81, 182-94)). Plaintiff sought and received a hearing in front of an Administrative Law Judge ("ALJ"), who held a hearing on February 24, 2015 (*Id.* (citing Tr. 261-62, 77-108)). On March 25, 2015, the ALJ found plaintiff was not disabled within the meaning of the Social Security Act (*Id.* (citing Tr. 30)). Following the denial of benefits by the ALJ, plaintiff sought review of the ALJ's decision (*Id.* (citing Tr. 9-11)). On April 2, 2015, the Appeals Council denied plaintiff's request "making the ALJ's March 26, 2015 decision the final decision subject to judicial review under § 405(g) (*Id.* (citing Tr. 9-11)). This action followed.

#### **STANDARD OF REVIEW**

The Commissioner's decision will be affirmed "if the record contains substantial evidence to support it." *Edwards v. Barnhart*, 314 F.3d 964, 966 (8th Cir. 2003). "Substantial evidence is less than a preponderance, but enough that a reasonable mind might accept it as adequate to support a decision." *Haley v. Massanari*, 258 F.3d 742, 747 (8th Cir. 2001). "In determining whether existing evidence is substantial, [a court should] consider evidence that detracts from the Commissioner's decision as well as evidence that supports it."

*Hutsell v. Massanari*, 259 F.3d 707, 711 (8th Cir. 2001). If the record reveals substantial evidence supporting the Commissioner's decision, then that decision should not be reversed merely because "substantial evidence exists in the record that would have supported a different outcome." *Hutsell*, 259 F.3d at 711. In other words, "[a]n administrative decision is not subject to reversal simply because some evidence may support the opposite outcome." *Pearsall v. Massanari*, 274 F.3d 1211, 1219 (8th Cir. 2001) (citing *Gwathney v. Chater*, 104 F.3d 1043, 1045 (8th Cir. 1993)).

#### **CONCLUSION**

The Court has reviewed the medical records, the briefs of the parties, and the findings of the ALJ. The Court has likewise reviewed plaintiff's arguments that the ALJ erred in his analysis and ultimate conclusion. The Court finds that the ALJ's analysis and conclusion are supported by substantial evidence. The Court will thus not disturb the ALJ's conclusion.

Accordingly, because the decision is supported by substantial evidence, this Court will affirm the decision.

Plaintiff's complaint will be dismissed. A separate order will be issued in accordance with this memorandum opinion.

DATED this 7th day of November, 2016.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court