

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

HENRY LOUIS CARTER,)
vs.)
Claimant,)
Case No. CV-13-S-936-NE
CAROLYN W. COLVIN, Acting)
Commissioner, Social Security)
Administration,)
Defendant.)

MEMORANDUM OPINION AND ORDER

Claimant, Henry Louis Carter, commenced this action on May 16, 2013, pursuant to 42 U.S.C. § 405(g), seeking judicial review of a final adverse decision of the Commissioner, affirming the decision of the Administrative Law Judge (“ALJ”), and thereby denying his claim for a period of disability and disability insurance benefits.

The court’s role in reviewing claims brought under the Social Security Act is a narrow one. The scope of review is limited to determining whether there is substantial evidence in the record as a whole to support the findings of the Commissioner, and whether correct legal standards were applied. *See Lamb v. Bowen*, 847 F.2d 698, 701 (11th Cir. 1988); *Tieniber v. Heckler*, 720 F.2d 1251, 1253 (11th Cir. 1983).

Claimant contends that the Commissioner's decision is neither supported by substantial evidence nor in accordance with applicable legal standards. Specifically, claimant asserts that the ALJ improperly determined his residual functional capacity without the benefit of a medical source opinion or an assessment by a medical expert. Upon review of the record, the court concludes that this contention lacks merit, and that the Commissioner's ruling is due to be affirmed.

It is true that the ALJ

has an obligation to develop a full and fair record, even if the claimant is represented by counsel. *Cowart v. Schweiker*, 662 F.2d 731, 735 (11th Cir. 1981). The ALJ is not required to seek additional independent expert medical testimony before making a disability determination *if the record is sufficient and additional expert testimony is not necessary for an informed decision*. *Wilson v. Apfel*, 179 F.3d 1276, 1278 (11th Cir. 1999) (holding the record, which included the opinion of several physicians, was sufficient for the ALJ to arrive at a decision); *Holladay v. Bowen*, 848 F.2d 1206, 1209-10 (11th Cir. 1988) (holding the ALJ must order a consultative exam when it is necessary for an informed decision).

Nation v. Barnhart, 153 F. App'x 597, 598 (11th Cir. 2005) (emphasis supplied).¹ Furthermore, claimant bears the ultimate burden of producing evidence to support his disability claim. See *Ellison v. Barnhart*, 355 F.3d 1272, 1276 (11th Cir. 2003) (citing 20 C.F.R. §§ 416.912(a), (c)).

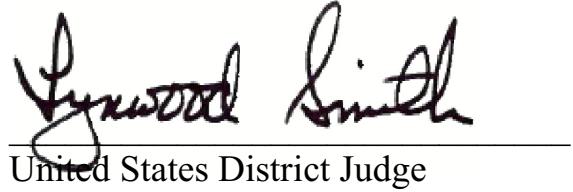
The court concludes that the record in this case was sufficient, even absent any

¹ Even claimant acknowledges that "there is no express requirement for an MSO or RFC assessment to be of record in order for the ALJ to make RFC findings." Doc. no. 9 (claimant's brief), at 5.

additional consultative report or medical source statement, for the ALJ to arrive at an informed decision. The medical record includes office notes from claimant's treating providers, the report of a consultative examiner,² and claimant's own testimony that he could return to his previous job as a forklift operator.³

In light of the foregoing, the court concludes the ALJ's decision was based upon substantial evidence and in accordance with applicable legal standards. Accordingly, the decision of the Commissioner is AFFIRMED. Costs are taxed against claimant. The Clerk is directed to close this file.

DONE this 14th day of April, 2014.



United States District Judge

² Tr. 187-90.

³ Tr. 90.