

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

**RHODA SUSANNA KEISER,** )  
)  
**Plaintiff,** )  
)  
**v.** )  
)  
**KILOLO KIJAKAZI, Acting** )  
**Commissioner of the Social Security** )  
**Administration,** )  
)  
**Defendant.** )

Civil Action Number  
**5:20-cv-01865-AKK**

**MEMORANDUM OPINION**

Rhoda Keiser seeks review of the final adverse decision of the Acting Commissioner of the Social Security Administration denying benefits.<sup>1</sup> Doc. 1. The magistrate judge entered a report recommending that the court affirm the decision and instructed Keiser to file written objections, if any, within 14 days. Doc. 14 at 15. Keiser did not file any.

In brief, Keiser challenged the Administrative Law Judge’s assessment of her residual functional capacity, doc. 11 at 4, and argued that the ALJ should have used the SSA’s Medical-Vocational Guidelines to find her disabled, *id.* at 8–9. As to

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<sup>1</sup> The Administrative Law Judge’s decision denying benefits became that of the Acting Commissioner after the Appeals Council denied review. R. 1.

Keiser’s first contention of error, the magistrate judge determined that substantial evidence in Keiser’s record supported the ALJ’s articulated reasons for assigning little weight to one doctor’s opinion and for discounting Keiser’s subjective testimony to arrive at her residual functional capacity. *See* doc. 14 at 10–13; R. 21. As to Keiser’s second contention, the magistrate judge observed that “when an ALJ determines that a claimant is capable of performing her past relevant work, the Grids,” *i.e.*, the Medical-Vocational Guidelines, “do not come into play.” *Id.* at 14 (citing 20 C.F.R. § 404.1569; *Smitherman v. Massanari*, 149 F. Supp. 2d 1303, 1310 (M.D. Ala. 2001)). And because the ALJ determined that Keiser could perform her past work as a fry cook, R. 22, the magistrate judge concluded that the ALJ could properly decide not to rely on the Grids. Doc. 14 at 15.

Having reviewed the record, including the ALJ’s decision, R. 15–22, and the magistrate judge’s report and recommendation, doc. 14, the court **ADOPTS** the report and **ACCEPTS** the recommendation to affirm the decision of the Acting Commissioner. A separate order follows.

**DONE** the 30th day of March, 2022.

  
**ABDUL K. KALLON**  
UNITED STATES DISTRICT JUDGE