

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

THOMAS E. GALCZYNSKI

PLAINTIFF

v.

No. 3:15-cv-181-DPM

CAROLYN W. COLVIN, Acting Commissioner,
Social Security Administration

DEFENDANT

ORDER

On *de novo* review, the Court adopts the recommendation, *No. 11*, as modified and with a correction*, and overrules Galczynski's objections, *No. 12*. FED. R. CIV. P. 72(b)(3). Magistrate Judge Deere considered Galczynski's irritable bowel syndrome. *No. 11 at 7*. And she discounted his psychiatrist's opinion not just because it was subjective, but because it wasn't well supported by the psychiatrist's observations. *No. 11 at 7-9*. The ALJ's hypothetical was proper, too. It required only limited personal contact with others and none with the public. It's true that Anita Wells's opinion mentioned Galczynski's aversion to loud noises, but that doesn't mean the hypothetical had to include that limitation. *Lacroix v. Barnhart*, 465 F.3d 881,

*The second sentence in footnote 4 should read: "Mr. Galczynski reported in his application to proceed without paying costs that he works 33 hours/week, at a rate of \$8/hour."

889 (8th Cir. 2006). The ALJ needed only to include the limitations he found substantially supported by the record. *Ibid.* Given the ALJ's specific discussion of Wells's opinion, his failure to mention noise aversion doesn't mean he didn't consider it. *Wildman v. Astrue*, 596 F.3d 959, 966 (8th Cir. 2010). The ALJ's implied rejection of this limitation is supported by substantial evidence, including by Galczynski's admission to Wells that he often piddles around on his lawn mower, albeit with frustration. Record at 433.

The Commissioner's decision is affirmed. The complaint will be dismissed with prejudice.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

29 February 2016
