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

ADAM ROBERT DELAPAZ   PLAINTIFF

v.   4:21-cv-00835-JM-JJV

KILOLO KIJAKAZI,
Acting Commissioner,
Social Security Administration,   DEFENDANT

ORDER

The Court has received Proposed Findings and Recommendations ("RD") submitted by United States Magistrate Judge Joe J. Volpe and Plaintiff's objections. In his objections, Plaintiff argues that the Court should not adopt Judge Volpe's recommendation to affirm the final decision of the Commissioner because the ALJ, in his decision finding Plaintiff not disabled, failed to articulate the supportability of Dr. John Faucett's medical opinion.

Dr. John Faucett, PhD. is a psychologist who performed an in-person mental diagnostic evaluation of Plaintiff on February 11, 2019. The ALJ explained Dr. Faucett's findings as follows:

> Dr. Faucett opined that the claimant was able to communicate in an intelligible and effective manner, but had difficulty getting along with others. He also opined that the claimant appeared to sustain a reasonable degree of cognitive efficiency and was able to track and respond to various kinds of questions and tasks without remarkable slowing or distractibility and he appeared to possess the cognitive capacity to perform basic work like tasks. The claimant was also able to attend to and sustain concentration and he demonstrated adequate capacity to sustain persistence in completing tasks.

(ECF No. 9-2 at p. 24). The ALJ did not regard Dr. Faucett's opinion as the determining factor in the decision finding Plaintiff not disabled under §§ 216(i) and 223(d) of the Social Security Act. The ALJ explained, "While the report of a consultative physician who examines the claimant

once does not constitute 'substantial' evidence on the record as a whole, Dr. Faucett's findings seemed consistent with the overall record and his opinion was found to [be] persuasive in this matter." *Id.* As Judge Volpe stated, the ALJ provided support in the following paragraph for Dr. Faucett's findings, and the ALJ's own decision, that Plaintiff could perform simple routine, and repetitive tasks with appropriate supervision and restrictions. The ALJ's explanation did not contain boilerplate or blanket statements. The ALJ's determination was adequately explained and supported by the record.

After carefully considering the objections and making a *de novo* review of the record, the Court approves and adopts the RD as this Court's findings in all respects. Accordingly, the Commissioner's decision is affirmed, and this case is DISMISSED with prejudice.

SO ORDERED this 23rd day of August, 2022.

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JAMES M. MOODY JR.
UNITED STATES DISTRICT JUDGE