

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

JAMEY D. RELEFORD

PLAINTIFF

V.

CIVIL NO. 11-2095

MICHAEL J. ASTRUE, Commissioner of  
Social Security Administration

DEFENDANT

JUDGMENT

Now on this 12th Day of July, 2012, comes on for consideration the Report and Recommendation dated May 1, 2012, by the Honorable James R. Marschewski, Chief United States Magistrate Judge for the Western District of Arkansas. (Doc. 11). Also before the Court are Defendant's Objections. (Doc. 12).

After a *de novo* review, the Court, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. The record shows that substantial evidence supports the Administrative Law Judge's determination that Plaintiff's neck and back pain and hearing loss were non-severe impairments. The Administrative Law Judge's Residual Functional Capacity was proper and his reasons for discounting Dr. Tompkins' limitations were sufficient. Finally, the

Administrative Law Judge's hypothetical question at step five was properly based on the limitations that were ultimately adopted by the Administrative Law Judge after excluding any alleged limitations or impairments he rejected as untrue or unsubstantiated. The Court hereby affirms the Commissioner's decision and DISMISSES Plaintiff's Complaint (Doc. 1) WITH PREJUDICE.

IT IS SO ORDERED.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge