

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

JULIE A. MILLS

PLAINTIFF

v.

No. 2:16-CV-02209

NANCY A. BERRYHILL, Commissioner,
Social Security Administration

DEFENDANT

ORDER

The Court has received a report and recommendation (Doc. 12) from United States Magistrate Judge Mark E. Ford. Plaintiff has filed objections (Doc. 14). The Magistrate recommends that the Court affirm the ALJ's decision and dismiss Plaintiff's complaint with prejudice. The Court has conducted de novo review of those portions of the report and recommendation to which Plaintiff has objected. 28 U.S.C. § 636(b)(1).

Plaintiff correctly points out that the report and recommendation contains a factual error on page 17. The vocational expert did not identify 20,566 positions in the national economy but 12,562.¹ (Doc. 9, p. 461). This miscalculation does not require departure from the legal analysis or conclusions in the report and recommendation. The vocational expert may look to the national economy to determine whether job opportunities exist in significant numbers—the relevant “region” is not limited to a claimant's state or local area, and at least 10,000 jobs in the national economy is not an insignificant number. *Dressel v. Califano*, 558 F.2d 504, 508–09 (8th Cir. 1977) (holding that issue is not whether local job opportunities exist but whether job opportunities exist in the national economy); *Johnson v. Chater*, 108 F.3d 178, 180 (8th Cir. 1997) (holding that showing of 10,000 jobs in the national economy is sufficiently significant number).

¹ The vocational expert identified 8,004 callout operator jobs and 4,558 surveillance-systems monitor jobs in the national economy.

With the exception of highlighting the correct number of job opportunities, Plaintiff's objections offer neither law nor fact requiring departure from the Magistrate's findings. The report and recommendation is otherwise proper and is ADOPTED AS CORRECTED.

IT IS THEREFORE ORDERED that the decision of the Commissioner of the Social Security Administration to deny Plaintiff's claim for supplemental security income is AFFIRMED and this case is DISMISSED WITH PREJUDICE. Judgment will be entered accordingly.

IT IS SO ORDERED this 15th day of August, 2017.

P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE