

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

BOB W. RICHARDSON

PLAINTIFF

v.

Case No. 3:11-CV-03038

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

J U D G M E N T

Currently before the Court is the Report and Recommendation (Doc. 7) filed on May 23, 2012, by the Honorable James R. Marschewski, Chief United States Magistrate Judge for the Western District of Arkansas. Also before the Court are Plaintiff's objections (Doc. 8).

Plaintiff objects to the Magistrate's findings concerning the Administrative Law Judge's ("ALJ") determination of his residual functional capacity ("RFC"), maintaining that the ALJ's findings relative to Plaintiff's RFC are not supported by substantial evidence. Plaintiff argues the ALJ did not properly consider whether Plaintiff's alleged pain was intense enough to cause functional limitations. After reviewing the record *de novo* as to Plaintiff's objection, the Court finds the Magistrate's reasoning on this point to be sound and further finds that Plaintiff's objections offer neither law nor fact requiring departure from the Magistrates' findings. As stated by the Magistrate, it does not appear that Plaintiff sought any treatment for his allegedly disabling impairments during the relevant time period. *See Comstock v. Chater*, 91 F.3d 1143, 1147 (8th Cir. 1996) (ALJ may discount a claimant's complaints based on a failure to pursue medical treatment); *Singh v. Apfel*, 222 F.3d 448, 452 (8th Cir. 2000) ("a claimant's allegations of disabling pain may be discredited by evidence that the claimant has received minimal medical treatment and/or has taken only occasional pain medications"). Additionally, there is an absence of objective medical evidence in the record to support Plaintiff's complaints.

Hutton v. Apfel, 175 F.3d 651, 655 (8th Cir. 1999). The ALJ can consider these factors when making an RFC determination, and the Court finds that substantial evidence supports the ALJ's findings.

Therefore, having reviewed this case, and being well and sufficiently advised, the Court finds that the Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, the decision of the Administrative Law Judge is **AFFIRMED**. Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED this 27th day of June, 2012.

P. K. Holmes, III

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