

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

STACY M. WELLS,

Plaintiff,

vs.

Case No. 2:12-cv-91-FtM-29DNF

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of Magistrate Douglas N. Frazier's Report and Recommendation (Doc. #23), filed on February 11, 2014, recommending that the Commissioner's decision to deny social security disability benefits be affirmed. No objections have been filed, and the time to do so has expired.

I.

The Court reviews the Commissioner's decision to determine if it is supported by substantial evidence and based upon proper legal standards. Crawford v. Comm'r of Soc. Sec., 363 F.3d 1155, 1158 (11th Cir. 2004) (citing Lewis v. Callahan, 125 F.3d 1436, 1439 (11th Cir. 1997)). Substantial evidence is more than a scintilla but less than a preponderance, and is such relevant evidence as a reasonable person would accept as adequate to support a conclusion. Moore v. Barnhart, 405 F.3d 1208, 1211 (11th Cir. 2005) (citing Crawford, 363 F.3d at 1158-59). Even if the evidence preponderates against the Commissioner's findings, the Court must affirm if the

decision reached is supported by substantial evidence. Crawford, 363 F.3d at 1158-59 (citing Martin v. Sullivan, 894 F.2d 1520, 1529 (11th Cir. 1990)). The Court does not decide facts anew, make credibility judgments, reweigh the evidence, or substitute its judgment for that of the Commissioner. Moore, 405 F.3d at 1211 (citing Bloodsworth v. Heckler, 703 F.2d 1233, 1239 (11th Cir. 1983)); Dyer v. Barnhart, 395 F.3d 1206, 1210 (11th Cir. 2005) (citing Phillips v. Barnhart, 357 F.3d 1232, 1240 n.8 (11th Cir. 2004)). The Court reviews the Commissioner's conclusions of law under a *de novo* standard of review. Ingram v. Comm'r of SSA, 496 F.3d 1253, 1260 (11th Cir. 2007) (citing Martin, 894 F.2d at 1529).

II.

Plaintiff raised eight issues in her appeal of the Commissioner's adverse decision to the district court. (Doc. #12.) The original Report and Recommendation (Doc. #20) found for plaintiff on one issue, finding it unnecessary to resolve the other issues in light of the recommended remand. Specifically, the Report and Recommendation found that the Appeals Council failed to evaluate evidence submitted to it after the Administrative Law Judge's (ALJ) decision, thus requiring a remand to the Commissioner. The undersigned rejected the Report and Recommendation and recommitted the matter to the magistrate judge to consider the other issues raised by plaintiff. (Doc. #22.) The Magistrate Judge has now submitted a Report and Recommendation

(Doc. #23) resolving the other issues raised by plaintiff and recommending that the Decision of the Commissioner be affirmed.

III.


After extensively reviewing the record evidence, the Magistrate Judge addressed each of the eight issues raised by plaintiff. The Magistrate Judge concluded that there was no basis for reversal of the Commissioner's decision. After an independent review, the Court agrees with the findings and recommendations in the Report and Recommendation.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #23) is **accepted and adopted** by the Court.
2. The Decision of the Commissioner of Social Security is **affirmed**.
3. The Clerk of the Court shall enter judgment accordingly and close the file.

DONE AND ORDERED at Fort Myers, Florida, this 17th day of March, 2014.



JOHN E. STEELE
United States District Judge

Copies:
Hon. Douglas N. Frazier
U.S. Magistrate Judge

Counsel of Record