

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LINDA SLOAN,

Plaintiff,

v.

Case No: 2:13-cv-314-FtM-29CM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of Magistrate Judge Carol Mirando's Report and Recommendation (Doc. #26), filed on July 18, 2014, recommending that the Decision of the Commissioner be affirmed. No objections have been filed, and the time to do so has expired.

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 Soc. Sec. Admin., 496 F.3d 1253, 1260 (11th Cir. 2007)(citing Martin, 894 F.2d at 1529).

The Report and Recommendation makes the following findings: (1) the Administrative Law Judge (ALJ) did not err in determining that plaintiff's mental impairments OF depression, generalized anxiety, and social phobia were nonsevere because he properly attributed significant probative weight to the opinions of James Mendelson, Ph.D. and Lee Reback, Psy.D., P.A., and alternatively, any error was harmless; (2) the ALJ properly analyzed the opinion of plaintiff's treating physician, Joseph S. Chirillo Jr., M.D., in determining plaintiff's residual functional capacity; (3) the ALJ properly considered and assessed plaintiff's credibility; and (4) the ALJ's determination that plaintiff could perform her past relevant work as a medical secretary was supported by the substantial evidence. After an independent review of the

administrative record, Doc. #14, the Court agrees with the findings and recommendations in the Report and Recommendation.

Accordingly, it is now

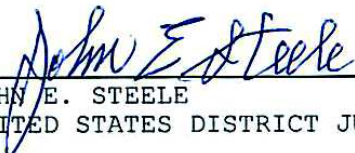
ORDERED:

1. The Report and Recommendation (Doc. #26) 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 8th day of August, 2014.



JOHN E. STEELE
UNITED STATES DISTRICT JUDGE

Copies:
Hon. Carol Mirando
U.S. Magistrate Judge

Counsel of Record