

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

KARA M. CARELLA,

Plaintiff,

-vs-

Case No. 5:16-cv-382-Oc-10PRL

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On February 23, 2017, the United States Magistrate Judge issued a Report (Doc. 18) recommending that the Commissioner's Decision denying the Plaintiff's claim for Disability Insurance Benefits be affirmed. Contrary to Plaintiff's assertions, the Magistrate Judge found that the Administrative Law Judge (ALJ) adequately developed the record and properly relied on the vocational expert's testimony. Id.

The Plaintiff has filed Objections to the Report and Recommendation (Doc. 20), and Defendant has filed a Response to the Objections. (Doc. 22). The Social Security Administration found that Plaintiff ceased to be disabled as of April 1, 2012. Plaintiff argues that in a disability benefits cessation case the burden is on the Social Security Administration to prove that the person, such as Plaintiff, is no longer disabled, and the ALJ and the Appeals Council failed to fulfil their duty of obtaining updated medical information and opinions from Plaintiff's treating physicians. (Docs. 16, 20). Plaintiff alleges that the ALJ erred in finding that there was substantial medical improvement. (Doc. 16). Plaintiff

also maintains that the ALJ improperly relied on the vocational expert's testimony because it conflicts with the Dictionary of Occupational Titles and the Selected Characteristics of Occupations defined in the Dictionary of Occupational Titles. Id.

The Court has conducted a *de novo* review and agrees with the Magistrate Judge's detailed and well-reasoned report and recommendation. The Court concludes that the ALJ properly developed the record based on the information before him and properly relied on the testimony of the vocational expert. The Court has reviewed the record in this case and finds that the Plaintiff's arguments are unpersuasive, and that substantial evidence exists to support the ALJ's findings.

Accordingly, upon due consideration, and a *de novo* review of the case, it is hereby ORDERED as follows:

(1) The Magistrate Judge's Report and Recommendation (Doc. 18) is ADOPTED, CONFIRMED, AND MADE A PART HEREOF;

(2) The Plaintiff's Objections (Doc. 20) are OVERRULED;

(3) Pursuant to sentence four of 42 U.S.C. § 405(g), the Commissioner's Decision denying the Plaintiff's claim for Disability Insurance Benefits is AFFIRMED; and

(4) The Clerk is directed to enter judgment accordingly, terminate all other pending motions and close the file.

IT IS SO ORDERED.

DONE and ORDERED at Ocala, Florida this 17th day of July, 2017.

W. Russell Hodges

UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record
Hon. Philip R. Lammens
Mari Jo Taylor