

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

VELICIA MICHELLE RICHARDSON,

Plaintiff,

v.

Case No: 6:13-cv-488-Orl-31DAB

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER


This matter comes before the Court on the Report and Recommendation of Magistrate Judge Baker (Doc. 23) and the Plaintiff's objection (Doc. 24) thereto. The Commissioner has not filed a response.

Upon *de novo* review, the Court agrees that the decision of the Commissioner is due to be affirmed. The ALJ's determination that the child had a less than marked limitation in the domain of "interacting and relating with others" is supported by substantial evidence. The Plaintiff points to other evidence in the record that would support a contrary conclusion, but that does not undermine the evidence relied upon by the ALJ. In addition, the Court agrees that the Appeals Council correctly determined that the teacher questionnaires submitted after the ALJ's decision did not warrant remand. The questionnaires were dated December 16, 2011 and by all indications assessed the child's status as of that date, whereas the ALJ's decision was handed down on September 23, 2011. The Appeals Council must consider "new, material, and chronologically relevant evidence," *Ingram v. Comm'r of Soc. Sec.*, 496 F.3d 1253, 1261 (11th Cir. 2007), but at

least in this case, an assessment of the claimant's status nearly three months after the ALJ's decision does not meet this standard. Accordingly, it is hereby

ORDERED that the Plaintiff's objection is **OVERRULED**; the Report and Recommendation of the Magistrate Judge is **CONFIRMED**, and the Decision of the Commissioner is **AFFIRMED**. The Clerk is directed to enter judgment for Defendant and close the case.

DONE and ORDERED in Chambers, Orlando, Florida on February 20, 2014.



GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party