

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

ANDREW MCCOY,
Plaintiff,

v.

Case No: 6:16-cv-1311-Orl-18DCI

**COMMISSIONER OF SOCIAL
SECURITY,**
Defendant.

ORDER

This cause concerns Plaintiff Andrew McCoy's appeal from a decision of the Commissioner of the Social Security Administration (the "Commissioner") denying his application for disability insurance benefits and supplemental security income (Doc. 1). On August 7, 2017, the United States Magistrate Judge issued a report and recommendation (the "Report and Recommendation") recommending that the Commissioner's final decision be reversed and remanded for further proceedings (Doc. 21).

Having reviewed the Report and Recommendation (Doc. 21) and filings in this case, the Court finds that substantial evidence supports the Administrative Law Judge's findings concerning the work that McCoy is able to perform. Further, the ALJ's hypothetical question to the vocational expert in this case was consistent with the ALJ's residual functional capacity determination, and the ALJ did not err by relying on the vocational expert's testimony in determining whether McCoy could perform other work in the national economy. The Administrative Law Judge applied the proper legal analysis to McCoy's disability claims, and it is hereby **ORDERED** and **ADJUDGED** as follows:

1. United States Magistrate Judge Daniel C. Irick's Report and Recommendation (Doc. 21) is **REJECTED in part** and **APPROVED and ADOPTED in part**.

2. The portion of the Report and Recommendation (Doc. 21) pertaining to the recommendation that the Court reject Plaintiff Andrew McCoy's first assignment of error is **APPROVED and ADOPTED** and is made part of this Order for all purposes, including appellate review.
3. Otherwise, the Report and Recommendation (Doc. 21) is **REJECTED**.
4. The Commissioner's final decision in this case is **AFFIRMED**.
5. The Clerk of the Court is directed to **ENTER JUDGMENT** accordingly and **CLOSE** the case.

DONE AND ORDERED in Orlando, Florida on this 31 day of August, 2017.



G. KENDALL SHARP
SENIOR UNITED STATES DISTRICT JUDGE

Copies to:
Counsel of Record