

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

TERRI LYN ROBERTS-HECHTMAN,

Plaintiff,

v.

Case No. 6:16-cv-1669-Orl-37JRK

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

In this social security appeal, Plaintiff seeks review of the Commissioner's decision to deny her social security disability benefits. (Doc. 1.) In support, Plaintiff contends that the Administrative Law Judge ("ALJ") erred by: (1) failing to properly perform a function-by-function analysis to determine his residual functional capacity and weigh the opinions of all physicians in the record; (2) relying on the testimony of the vocational expert after posing a hypothetical; and (3) finding her testimony regarding his pain and limitations not entirely credible. (*See* Doc. 23, pp. 2-3, 10-24.)

On referral, U.S. Magistrate Judge James R. Klindt recommends that the Court affirm the Commissioner's decision. (Doc. 25 ("R&R").) Specifically, he rejects all of Plaintiff's assignments of error, concluding that the ALJ: (1) properly conducted the function-by-function analysis with descriptions of Plaintiff's work-related abilities and any error in the ALJ's failure to assign specific weight to treatment notes was harmless; (2) supported her credibility finding with explicit and adequate reasons, and such reasons

were supported by substantial evidence; and (3) properly relied on the vocational expert's testimony in response to a hypothetical because it included the same limitations as the ALJ's residual functional capacity finding. (*Id.* at 5-19.)

The parties did not object to the R&R, and the time for doing so has now passed. Absent objections, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no clear error, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge James R. Klindt's Report and Recommendation (Doc. 25) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The Commissioner's decision is **AFFIRMED**.
3. The Clerk is **DIRECTED** to enter judgment in favor of Defendant Commissioner of Social Security and against Plaintiff Terri Lyn Roberts-Hechtman, and to close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on January 16, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record