

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

DEBORAH HAYES,

Plaintiff,

v.

CASE NO. 1:07-cv-00120-MP-AK

MICHAEL J ASTRUE,

Defendant.

ORDER

This matter is before the Court on Doc. 17, Report and Recommendation of the Magistrate Judge, recommending that the decision of the Commissioner, denying benefits, be affirmed. Subsequent to the filing of the Report and Recommendation, attorney Albert Bacharach was allowed to withdraw and Ms. Hayes was given approximately a month to obtain counsel in this matter. Later, a conference call was held during which Ms. Hayes indicated she was unsuccessful in obtaining counsel in this case, and during which she was given until December 19, 2008, to file objections to the Report and Recommendation. She has not filed objections.

The Court has reviewed the Report and Recommendation and the medical record in this case and agrees with the Magistrate Judge that the Administrative Law Judge ("ALJ") properly articulated reasons for discrediting the Plaintiff's subjective complaints of pain. The ALJ based her decision on the vocational expert's testimony, Plaintiff's residual functional capacity, and objective medical evidence in the record. The ALJ considered Plaintiff's underlying medical conditions as well as the accompanying objective medical evidence, and she concluded that the

medical evidence did not confirm the severity of the alleged pain nor did the medical conditions rise to such a severe level of pain.

The ALJ further noted that Plaintiff's testimony regarding her lifestyle included activities, like grocery shopping and driving to Canada, that were inconsistent with Plaintiff's allegations of incapacitating limitations. The ALJ took special care not to minimize the medical impairments contained in the record, but noted that the objective medical evidence, Plaintiff's own testimony, and the mitigating effects of medication created good cause to reject Plaintiff's subjective complaints of pain. A clearly articulated credibility finding with substantial supporting evidence in the record should not be disturbed by a reviewing court. Foote v. Chater, 67 F.3d 1553, 1562 (11th Cir. 1995); MacGregor v. Bowen, 786 F.2d 1050, 1054 (11th Cir. 1986); Sellers v. Barnhart, 246 F.Supp.2d 1201, 1213 (M.D. Ala. 2002).

Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The Report and Recommendation of the Magistrate Judge is adopted and incorporated herein.
2. The decision of the Commissioner, denying benefits, is affirmed.

DONE AND ORDERED this 29th day of December, 2008

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge