

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

ELLIOT L JONES,

Plaintiff,

v.

CASE NO. 1:08-cv-00188-MP-AK

MICHAEL J ASTRUE,

Defendant.

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ORDER

This matter is before the Court on Doc. 21, Report and Recommendation of the Magistrate Judge, recommending that the decision of the Commissioner, denying benefits, be affirmed. The time for filing objections has passed, and none have been filed. The Court agrees that the Administrative Law Judge's residual functional capacity assessment was substantially supported by the objective medical evidence and Plaintiff's daily activities. Thus, although he complained of chest and back pain, shortness of breath, depression, and anxiety, the objective medical evidence and treating source opinions indicate that Plaintiff's mental limitations do not preclude him from performing work involving simple instructions where he will occasionally have lapses in concentration, persistence, or pace. Therefore, the ALJ's residual functional assessment properly accounts for Plaintiff's limitation to the extent the record supports it.

Additionally, the Court agrees that the ALJ's hypothetical questioning properly included all of Plaintiff's mental limitations as the ALJ found them to be based upon the record. The ALJ properly found that Plaintiff was limited to simple, unskilled work. These are the same limitations posed by the ALJ to the vocational expert in the hypothetical.

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 11th day of March, 2010

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