

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

WENDI TAYLOR,

Plaintiff,

v.

CASE NO. 1:14-cv-00126-MP-CAS

CAROLYN W COLVIN,

Defendant.

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ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated December 11, 2014. (Doc. 12). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). Petitioner has filed objections at Doc. 16, to which the Commissioner responded at Doc. 17. I have made a de novo review based on that objection and response.

Having considered the Report and Recommendation, and the timely filed objections, I have determined that the Report and Recommendation should be adopted. The primary issue raised by the Plaintiff in this social security case is whether the ALJ improperly declined to give weight to the following answer by the treating physician:

Q. Is this individual Capable of sustaining work activity for eight hours a day, five days a week? If not explain why using examples of behavior objective data.

A. Poor motivation, fatigue and depressed mood are chronic and persistent on current therapy.

The doctor does not really answer the question before giving some examples of objective data.

Also, that doctor's own notes and the opinions of two other doctors indicate that plaintiff's depression was moderate, her condition was stable, her concentration was normal and she had no functional abnormalities. Thus, even if the doctor was attempting to say that the plaintiff could not work, substantial evidence supports the decision to not give great weight to that statement.

Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. The decision of the Commissioner denying benefits is affirmed.

DONE AND ORDERED this 29th day of May, 2015

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