

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

MICHAEL TODD STANTON,	:	
	:	
Claimant,	:	Case No.: 5:07-cv-356 (CAR)
	:	
v.	:	
	:	
MICHAEL J. ASTRUE,	:	
Commissioner of Social Security	:	
	:	
Respondent	:	

***ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is the United States Magistrate Judge’s Report and Recommendation [Doc. 15] to affirm the Commissioner’s denial of Claimant’s claim for benefits under the Social Security Act, 42 U.S.C. § 423. Claimant has filed an Objection to the Recommendation [Doc. 16] , and the Commissioner has filed a Response to the Objection [Doc. 17]. Having considered Claimant’s Objections and having investigated those matters *de novo*, this Court agrees with the findings and conclusions of the United States Magistrate Judge. Therefore, the Recommendation is **HEREBY ADOPTED AND MADE THE ORDER OF THE COURT.**

In his Objection, Claimant contends that the Magistrate Judge erred in concluding that the ALJ discounted the two mental health questionnaires completed by Dr. Naqvi, Claimant’s treating physician, which indicated that Claimant had functional limitations which would preclude him from working. As the Magistrate Judge noted, however, the ALJ’s decision carefully reviewed and discussed all the medical evidence of the record, including Dr. Naqvi’s treatment notes. This review

and discussion was the proper foundation for the ALJ's ultimate conclusion that Dr. Naqvi's conclusions are not supported by the medical records of evidence. Thus, the Magistrate Judge correctly determined that the Commissioner applied the proper legal standard in discounting Dr. Naqvi's conclusions. As such, it is clear that the ALJ's finding is supported by substantial evidence.

The regulations expressly provide that a treating physician's opinion will be accorded controlling weight only if it is "well supported by medically acceptable . . . techniques *and is not inconsistent with the other substantial evidence in [the] case record.*" 20 C.F.R. § 404.1527(d)(2) (emphasis added). Moreover, a treating physician's opinion may be disregarded if it is unsupported by objective medical evidence or is merely conclusory. See Wheeler v. Heckler, 784 F.2d 1073, 1075 (11th Cir. 1986). Dr. Naqvi completed two questionnaires with a minimal amount of information supporting his conclusion that Claimant had extreme restrictions in his activities of daily living, extreme difficulties in maintaining social functioning, and extreme difficulties in concentration, persistence or pace, and one or two episodes of decompensation of at least two weeks duration. These two forms do not contain much detail about Claimant's condition and provide little to no narrative or insight into the reasons behind the conclusions. Thus, after consideration of all such evidence, this Court agrees with the Magistrate Judge that there is substantial evidence to uphold the Commissioner's decision to deny Claimant disability benefits.

SO ORDERED, this 30th day of March, 2009.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

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