

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

SOFFETTE WALKER,)	
o/b/o/ D.C.M., a minor,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:14-CV-310 (MTT)
)	
CAROLYN W. COLVIN, <i>Acting</i>)	
<i>Commissioner of Social Security,</i>)	
)	
Defendant.)	
)	

ORDER

United States Magistrate Judge Charles H. Weigle recommends affirming the Commissioner of Social Security’s denial of the Plaintiff’s application for benefits filed on behalf of D.C.M., a minor. (Doc. 14). The Plaintiff has objected to the Recommendation (Doc. 15), and the Commissioner has responded to the objection (Doc. 17). At the outset, the Plaintiff “requests a *de novo* review of the entire Recommendation.” (Doc. 15 at 1). Under 28 U.S.C. § 636(b)(1), “any party may serve and file written objections to [the Magistrate Judge’s] proposed findings and recommendations.” However, “[p]arties filing objections to a magistrate’s report and recommendation must specifically identify those findings objected to. Frivolous, conclusive, or general objections need not be considered by the district court.” *Marsden v. Moore*, 847 F.2d 1536, 1548 (11th Cir. 1988) (citation omitted). Therefore, the Court “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1).

The Plaintiff first objects to the Magistrate Judge's conclusion that the ALJ's "functional equivalence" assessment is not legally deficient. (Doc. 15 at 1, 3). The Plaintiff argues "the Commissioner erred in failing to properly apply the functional equivalency factors of 20 C.F.R. § 416.926a by essentially giving each factor a one-sentence review." (Doc. 15 at 1). In the Plaintiff's view, "there was not enough analysis of any domain to permit adequate assessment by any court," and "[o]ne-sentence domain reviews ... leave too much to the imagination." (Doc. 15 at 3). However, as the Magistrate Judge correctly noted, the Court need not consider the ALJ's findings in isolation, but may review the ALJ's opinion in its entirety to determine whether her findings are supported by substantial evidence in the record. *See, e.g., Turberville ex rel. Rowell v. Astrue*, 316 F. App'x 891, 893 (11th Cir. 2009); *Johnson v. Barnhart*, 148 F. App'x 838, 842 (11th Cir. 2005). The Court agrees with the Magistrate Judge that the ALJ adequately summarized and assessed the medical evidence at length in her opinion, thereby allowing for meaningful judicial review of her functional equivalence findings. (Doc. 11-2 at 17-21).

The Plaintiff also objects to the Magistrate Judge's conclusion that substantial evidence supports the ALJ's decision to assign "little weight" to Dr. Prigatano's opinion. (Docs. 11-2 at 20; 15 at 1). The Plaintiff argues that the ALJ failed to properly weigh the opinion of Dr. Prigatano because one of the two reasons for discounting the opinion was incorrect. (Doc. 15 at 1-3). The Magistrate Judge acknowledged that the ALJ appears to have erred with regard to her first reason for discounting the opinion, but concluded that the ALJ's second reason is supported by substantial evidence. (Doc. 14 at 6). Specifically, the ALJ discounted Dr. Prigatano's opinion because it was undermined by

the records and findings of Dr. Samuel. (Docs. 11-2 at 20; 13 at 7-8; 14 at 6-7). The Court agrees with the Magistrate Judge that the ALJ adequately articulated this inconsistency as a reason to discount Dr. Prigatano's opinion and that substantial evidence supports the ALJ's decision. See *Phillips v. Barnhart*, 357 F.3d 1232, 1240-41 (11th Cir. 2004).

The Court has thoroughly considered the Plaintiff's objection and has made a de novo determination of the portions of the Recommendation to which the Plaintiff objects. Accordingly, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the decision of the Commissioner is **AFFIRMED**.

SO ORDERED, this 4th day of September, 2015.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT