

**In the United States District Court
For the Southern District of Georgia
Brunswick Division**

BERNICE SILVA,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner,

Defendant.

*
*
*
*
*
*
*
*
*

CIVIL ACTION NO.: 2:14-cv-169

ORDER

After an independent and *de novo* review of the entire record, the Court concurs with the Magistrate Judge's December 29, 2015, Report and Recommendation, dkt. no. 15, to which Plaintiff filed Objections, dkt. no. 18, and Defendant filed a Response, dkt. no. 20. Accordingly, the Court **ADOPTS** the Report and Recommendation as the opinion of the Court and **OVERRULES** Plaintiff's Objections.

Plaintiff's Objections as a whole merely mimic her previously-raised arguments. Accordingly, the Court need not address the Objections at length. However, the Court makes a few points of clarification. Plaintiff did not state in her disability report at the Agency level or at the administrative hearing that she had an intellectual disability, nor did

Plaintiff show she had the requisite IQ or deficits in adaptive functioning to meet Listing 12.05C. As Defendant notes, "an administrative law judge is under no obligation to investigate a claim not presented at the time of the application for benefits and not offered at the hearing as a basis for disability."

Terrell v. Colvin, No. CIV.A. 13-00357-B, 2015 WL 328844, at *8 (S.D. Ala. Jan. 26, 2015) (quoting Street v. Barnhart, 133 F. App'x 621, 627 (11th Cir. 2005)). However, the Administrative Law Judge ("ALJ") discussed whether Plaintiff met any of the 12.00 Listings. The ALJ determined Plaintiff did not meet the general 12.00 Listings based on the record before him, implicitly finding Plaintiff did not meet any of the specific 12.00 Listings, including Listing 12.05C. Moreover, as laid out by the Magistrate Judge, the ALJ's determination is supported by substantial evidence.

The Court **AFFIRMS** the decision of the Commissioner. The Clerk of Court is **DIRECTED** to enter the appropriate judgment of dismissal and to **CLOSE** this case.

SO ORDERED, this 19 day of February, 2016.

LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA