

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

TAMMY BARTLETT,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. CV421-067
)	
KILOLO KIJAKAZI,)	
)	
Defendant.)	
_____)	

O R D E R

Before the Court is the Magistrate Judge’s August 30, 2022, Report and Recommendation (Doc. 23), to which Plaintiff has objected (Doc. 24). After a careful review of the record,¹ Plaintiff’s objections (Doc. 24) are **OVERRULED**, and the Report and Recommendation (Doc. 23) is **ADOPTED** as the Court’s opinion in this case.

Plaintiff initially alleged five errors in her appeal of the Acting Commissioner of Social Security’s final decision denying her application for Disability Insurance Benefits (DIB) and Supplemental Security Insurance (SSI). (Doc. 18 at 1.) The

¹ The Court reviews de novo a magistrate judge’s findings to which a party objects, and the Court reviews for clear error the portions of a report and recommendation to which a party does not object. 28 U.S.C. § 636(b)(1); see Merchant v. Nationwide Recovery Serv., Inc., 440 F. Supp. 3d 1369, 1371 (N.D. Ga. 2020) (outlining the standard of review for report and recommendations (citing Macort v. Prem, Inc., 208 F. App’x 781, 784 (11th Cir. 2006) (per curiam))).

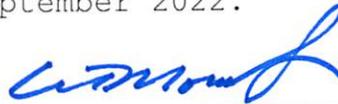
Magistrate Judge rejected all five of Petitioner's arguments. (Doc. 23 at 6-19.)

"Plaintiff file[d] her objection specifically as to the Commissioner's rejection of Dr. [Tatianna] Barsukova's opinion that [Plaintiff] was limited to sedentary exertional work with less than 40 hours a week." (Doc. 24 at 2.) Although not entirely clear, Plaintiff appears to argue that the ALJ's failure to properly consider Dr. William Chossier's findings impacted the consideration of Dr. Barsukova's findings because she based her conclusions on Dr. Chossier's findings. (Id. at 3 ("Thus, the ALJ's failure to properly justify finding Dr. Chossier's examination conclusions unpersuasive impacts weight determinations of other physicians by the ALJ, including the opinion of Dr. Barsukova.")) Plaintiff seems to argue that the Magistrate Judge did not conduct a "proper review of the entire record" in concluding the Appeals Council's determination about Dr. Barsukova's opinion was based on substantial evidence because "Dr. Chossier's clinical findings . . . were improperly disregarded." (Id.) Besides the fact that Plaintiff's objection does not offer any new argument or contrary authority to dispute the Magistrate Judge's analysis regarding the ALJ's determination about Dr. Chossier's report, pointing to evidence in the record - disregarded or not - that supports her position is simply not enough. As the Magistrate Judge explained, Plaintiff was instead required to "show the absence of substantial

evidence supporting the Commissioner's decision." (Doc. 23 at 14 (citing Sims v. Comm'r of Soc. Sec., 706 F. App'x 595, 604 (11th Cir. 2017)).) Petitioner failed to carry her burden and show the absence of substantial evidence supporting the Commissioner's decision about Dr. Barsukova's opinion. (See generally Doc. 24.)

Therefore, Plaintiff's objections (Doc. 24) are **OVERRULED**, the Report and Recommendation (Doc. 23) is **ADOPTED** as the Court's opinion in this case, and the Commissioner's final decision is **AFFIRMED**. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

SO ORDERED this 19th day of September 2022.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA