

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

EDDIE FULLARD, )  
)  
Plaintiff, )  
)  
v. )  
)  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )  
)  
Defendant. )

CIVIL ACTION NO.: CV507-072

ORDER

Presently before the Court are Plaintiff's Objections to the Magistrate Judge's Report, wherein he recommended that the decision of the Commissioner of the Social Security Administration be affirmed. In his Objections, Plaintiff contends that the Administrative Law Judge's ("ALJ") statement that Dr. Garcia had only seen Plaintiff twice is without merit. Plaintiff further contends that the ALJ did not show good cause for refusing to give substantial weight to the functional capacity evaluation of Dr. Garcia, his treating physician. (Doc. No. 28).

Plaintiff's Objections are merely reassertions of the contentions found in his original brief. As the Magistrate Judge noted in his Report, the ALJ's statement that Dr. Garcia had only seen Plaintiff twice is not dispositive because there is substantial evidence showing good cause for the ALJ's decision to discount Dr. Garcia's opinion. Plaintiff's contention that the ALJ did not show good cause for discounting Dr. Garcia's

opinion is also without merit because the record contains substantial evidence that Dr. Garcia's office records fail to support his opinion, that Dr. Wallace's conclusions did not support Dr. Garcia's opinion, that other medical examinations and evidence did not support Dr. Garcia's opinions, and a vocational expert found that Plaintiff could return to his past relevant work.

The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. The decision of the Commissioner is **AFFIRMED**. Plaintiff's Complaint is **DISMISSED**. The Clerk of the Court is authorized and directed to enter the appropriate judgment of dismissal.

**SO ORDERED**, this 22 day of December, 2008.



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HONORABLE LISA GODBEY WOOD  
UNITED STATES DISTRICT JUDGE