

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

JEREMY E. REISS,)	
)	
Plaintiff,)	
)	
v.)	No. 16-cv-03037
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant.)	

OPINION AND ORDER

SUE E. MYERSCOUGH, U.S. District Judge:

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge Tom Schanzle-Haskins (d/e 19). Judge Schanzle-Haskins recommends that this Court affirm the decision of Defendant Commissioner of Social Security denying Plaintiff Jeremy Eugene Reiss application for Supplemental Security Income Disability Benefits (SSI), deny Plaintiff's Motion for Summary Judgment (d/e 14), and grant Defendant's Motion for Summary Affirmance (d/e 17).

Objections to the Report and Recommendation were due on September 5, 2017. Neither party filed objections.

Pursuant to Federal Rule of Civil Procedure 72(b)(3), the Court “may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). The Court reviews de novo any part of the Report and Recommendation to which a proper objection has been made. Fed. R. Civ. P. 72(b)(3). “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” Johnson v. Zema Sys. Corp., 170 F.3d 734, 739 (7th Cir. 1999) (also noting that a party who fails to object to the report and recommendation waives appellate review of the factual and legal questions).

Judge Schanzle-Haskins found that the Administrative Law Judge’s (ALJ) decision to deny Plaintiff’s application for SSI was supported by substantial evidence. Judge Schanzle-Haskins concluded that the ALJ’s decision that Plaintiff’s conditions did not meet or equal an impairment Listing specified in 20 C.F.R. Part 404 Subpart P, Appendix 1 was supported by substantial evidence under either the version of the Listing in effect at the time she issued her decision or under the revised Listing effective January 17, 2017. Judge Schanzle-Haskins also found that the ALJ’s

decisions as to Plaintiff's residual functional capacity, that there are jobs that exist in significant numbers in the national economy that Plaintiff can perform, and that Plaintiff is not disabled were supported by substantial evidence. Finally, the Report and Recommendation addressed Plaintiff's contention that evidence in the record indicating that Plaintiff has low academic or intellectual ability supports Plaintiff's argument that he is disabled. Judge Schanzle-Haskins rejected this argument because the relevant question is Plaintiff's functional ability to work, which is not necessarily precluded by limited intellect.

After reviewing the record, the Report and Recommendation, the parties' motions and memoranda, and the applicable law, this Court finds no clear error.

IT IS THEREFORE ORDERED THAT:

- (1) The Report and Recommendation (d/e 19) is ADOPTED in its entirety.**
- (2) Plaintiff's Motion for Summary Judgment (d/e 14) is DENIED.**
- (3) Defendant's Motion for Summary Affirmance (d/e 17) is GRANTED.**

(4) The decision of the Defendant Commissioner of Social Security is AFFIRMED.

(5) THIS CASE IS CLOSED.

IT IS SO ORDERED.

ENTER: September 26, 2017

FOR THE COURT:

s/ Sue E. Myerscough
SUE E. MYERSCOUGH
UNITED STATES DISTRICT JUDGE