

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

<b>LARRY SCOTT,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CAUSE NO. 1:07-cv-1185-WTL-JMS</b>
	)	
<b>MICHAEL ASTRUE, COMMISSIONER OF SOCIAL SECURITY,</b>	)	
	)	
<b>Defendant.</b>	)	

**ENTRY REVIEWING COMMISSIONER’S DECISION**

The Plaintiff, Larry Scott, brings this action pursuant to 42 U.S.C. §§ 405(g) seeking review of the final decision of the Commissioner of Social Security (“Commissioner”) denying his application for disability insurance benefits (“DIB”). The Court, being duly advised, **AFFIRMS** the decision of the Commissioner for the reasons set forth below.

On March 3, 2008, a briefing schedule was issued in this case which ordered Scott to file a brief in support of his complaint within twenty-eight days. Within the briefing schedule was the following explanation of what was required in the brief:

To the extent that the claimant contends that the evidence presented to the Administrative Law Judge does not support or contradicts the findings or conclusions reached, the brief should contain specific references to the administrative record relied upon to raise such contentions. Plaintiff’s brief shall provide legal argument with proper citation to United States Supreme Court and Seventh Circuit case law (or persuasive cases from other federal Circuits) .

After seeking and obtaining four extensions of time, Scott filed a motion to remand this case to the Commissioner on June 2, 2008. The two-page motion is not accompanied by a brief, contains no citations to the record, no citations to relevant authority, and no substantial legal argument. Rather, the motion simply makes the barest assertion of five different errors by the

Administrative Law Judge; in essence, it simply sets out five paragraph headings without the accompanying paragraphs.

It is well-settled that “it is not this court's responsibility to research and construct the parties’ arguments. Where, as here, a party fails to develop the factual basis of a claim on appeal and, instead, merely draws and relies upon bare conclusions, the argument is deemed waived.” *Muhich v. C.I.R.*, 238 F.3d 860, 864 (7<sup>th</sup> Cir. 2001) (internal quotation marks and numerous citations omitted). Scott’s motion in this case is a textbook example of the type of “skeletal argument, really nothing more than an assertion” that does not preserve a claim for review. *See United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir.1991). Therefore, there is nothing for the Court to consider in this case.

Nonetheless, the Court has reviewed the record and the Commissioner’s brief in support of his decision, which addresses the arguments suggested by Scott and cites to ample legal authority and evidence of record to demonstrate that the decision was both legally sound and supported by substantial evidence. Accordingly, the motion to remand is **denied** and the decision of the Commissioner is **affirmed**.

SO ORDERED: 01/26/2009



Hon. William T. Lawrence, Judge  
United States District Court  
Southern District of Indiana

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