

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF KENTUCKY
 CENTRAL DIVISION
 LEXINGTON

STACY NEFF,)	
)	
Plaintiff,)	Civil No. 15-231-GFVT
)	
V.)	
)	MEMORANDUM OPINION
CAROLYN COLVIN,)	&
Acting Commissioner of Social Security,)	ORDER
)	
Defendant.)	

*** **

Before the Court is Magistrate Judge Robert E. Wier’s Recommended Disposition. [R. 15.] On August 11, 2015, Plaintiff Stacy Neff sought judicial review of the Commissioner of Social Security’s decision to deny his application for disability benefits. [R. 1.] The Court referred this matter to Judge Wier for preparation of a recommended disposition, and Judge Wier submitted that recommendation on August 25, 2016. [R. 15.] For the reasons explained below, the Court will now ADOPT the Magistrate’s recommendation.

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Neff applied for disability benefits on August 20, 2012. [*Id.* at 1.] The Social Security Administration denied that application initially and upon reconsideration. [*Id.*] Neff then requested a hearing with an Administrative Law Judge (“ALJ”), which the parties held in March 2013. [*Id.* at 2.] Following the hearing, the ALJ determined that Neff “has the residual functional capacity to perform a range of medium, light and sedentary work,” and thus there is a “significant number[]” of jobs in the national economy that [Neff] can perform.” [*Id.*] The ALJ

then denied Neff's application for benefits, and the Appeals Council later declined to review that decision. [*Id.*] This appeal followed.

In his recommended disposition, the Magistrate thoroughly addressed each of Neff's objections to the ALJ's findings. He noted that the ALJ gave "careful consideration to the entire record," that he "accurately described and fully considered [an expert's disputed medical] evaluation," and that he fully "explained his reasons, in sequence, for not finding either [the claimant's alleged] neuropathy or back pain to preclude Neff from performing medium work." [*Id.* at 8, 9, 11.] Judge Wier also determined that the ALJ did not err in refusing to order an additional consultative examination because the existing "record—buttressed by a consultant's opinion, years of providers' medical records, and the report of an examiner—contained sufficient evidence to make a disability determination." [*Id.* at 16.] He likewise found the ALJ's assessment of Neff's credibility reasonable, citing numerous "inconsistencies the ALJ found between Neff's subjective statements of pain and the objective medical evidence." [*Id.* at 22.] And "[b]ecause the Court . . . found no reversible error concerning any of the prior arguments, and those arguments [were] the sole bases for [Neff's allegation of a vocational expert's] hypothetical error," Judge Wier also found "no reversible error as to the ALJ's hypothetical." [*Id.* at 25.] The Magistrate lastly recognized that "the Court must affirm the ALJ's decision if substantial evidence supports the ruling, even if the Court might have decided the case differently." [*Id.* at 3-4.]; (citing *Longworth v. Comm'r of Soc. Sec.*, 402 F.3d 591, 595 (6th Cir. 2005)).

Generally, this Court must make a *de novo* determination of those portions of a recommended disposition to which objections are made. 28 U.S.C. § 636(b)(1)(c). When no objections are made, as in this case, this Court is not required to "review . . . a magistrate's

factual or legal conclusions, under a de novo or any other standard.” *See Thomas v. Arn*, 474 U.S. 140, 151 (1985). Parties who fail to object to a magistrate judge’s recommendation are also barred from appealing a district court’s order adopting that recommendation. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Nevertheless, this Court has carefully examined the record and agrees with Judge Wier’s Recommended Disposition. Accordingly, the Court **HEREBY ORDERS** as follows:

1. The Recommended Disposition [**R. 15**] as to Plaintiff Stacy Neff is **ADOPTED** as and for the Opinion of the Court;
2. Neff’s Motion for Judgment on the Pleadings [**R. 11**] is **DENIED**;
3. The Commissioner’s Motion for Summary Judgment [**R. 12**] is **GRANTED**; and
4. Judgment in favor of the Commissioner will be entered contemporaneously herewith.

This 14th day of September, 2016.

The image shows a handwritten signature in black ink, which appears to read "Gregory F. Van Tatenhove". The signature is written over a circular official seal. The seal contains the text "UNITED STATES DISTRICT COURT" at the top and "WESTERN DISTRICT OF KENTUCKY" at the bottom. In the center of the seal is an eagle with its wings spread, perched on a shield.

Gregory F. Van Tatenhove
United States District Judge