

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT BOWLING GREEN
CIVIL ACTION NO. 1:08CV171-J

BETH A. GARMON

PLAINTIFF

VS.

MICHAEL J. ASTRUE,
Commissioner of Social Security

DEFENDANT

MEMORANDUM OPINION

This matter challenges the defendant Commissioner's denial of a claim to disability insurance benefits and supplemental security income payments. The undersigned referred the matter to United States Magistrate Judge W. David King. On May 7, 2009, Magistrate Judge King entered his Report and Recommendation. The matter is now before the undersigned on plaintiff's timely objection. After conducting the de novo review required by 28 U.S.C. Sec. 636, the Court is of the opinion that the recommendation of the United States Magistrate Judge should be accepted and the report should be adopted as the decision of the undersigned.

Ms. Garmon objects that the Magistrate Judge failed to recognize her contention that it was error to treat her mental impairment as "dysthymia" rather than as "major depressive disorder." She argues that the symptoms of "major depressive disorder" tend to be more severe and limiting than the symptoms of "dysthymia."

The undersigned fully endorses the Magistrate Judge's observation that what is significant for purposes of assessing propriety of ALJ analysis is not the *name* given to an impairment, but rather the *functional limitations* suffered by the claimant as a result of the impairment. The

Magistrate Judge conducted a thorough review of the evidence pertaining to the functional limitations imposed by plaintiff's mental condition. After de novo review of the subject matter of Ms. Garmon's objection, the Court accepts the Recommendation and adopts in its entirety the Report of the Magistrate Judge.

An order in conformity has this day entered.