

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT BOWLING GREEN
CIVIL ACTION NO. 1:09CV62-J

WENDY LOU BLAIR

PLAINTIFF

VS.

MICHAEL J. ASTRUE,
Commissioner of Social Security

DEFENDANT

MEMORANDUM OPINION

The Court referred this matter to the United States Magistrate Judge, who entered a Report and recommended that the decision of the Commissioner be affirmed. Plaintiff filed timely objections, to which the Commissioner has responded. After examining those matters as to which specific written objection has been filed, the Court is of the opinion that the Report and Recommendation should be adopted and the decision of the Commissioner should be affirmed.

Plaintiff objects that the ALJ erred in failing to consider limitations imposed by hypertension. Specifically, plaintiff contends that the record established that she suffers from dizziness, a symptom that would interfere with operating a motor vehicle or working around moving machinery. In support, she points to a May 2007 and an August 2007 office note from the Heart Center of Somerset in which the “subjective” section notes her complaint of some dizziness on walking. The Court agrees with the Magistrate Judge that the record does not establish that plaintiff carried her burden of proving that this problem is serious or persistent enough to show that the ALJ’s residual functional capacity determination is incorrect.

Plaintiff next objects to the conclusion that Nurse Benson is not an “acceptable medical source.” This conclusion, however, is in accordance with established law. 20 CFR 404.1513. A

nurse is an “other source,” to be considered, but without special deference. This was the treatment accorded Nurse Benson’s opinion and there was no error.

Finally, plaintiff objects that the ALJ gave inappropriate weight to the opinion of Dr. Coury. For the reasons set forth in the Report of the United States Magistrate Judge, this argument is without merit.

An order in conformity has this day entered.