

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

LACEY D. RIEBER

PLAINTIFF

v.

CIVIL ACTION NO. 3:10CV-431-S

MICHAEL J. ASTRUE

DEFENDANT

**ORDER AND JUDGMENT**

This matter is before the court for consideration of the Report and Recommendation of the United States Magistrate Judge that the decision of the Administrative Law Judge (“ALJ”) be affirmed. The plaintiff, Lacey D. Rieber, objects to the magistrate judge’s report. The court has conducted a *de novo* review of the magistrate judge’s report in light of the objections thereto and the record as a whole.

The ALJ recommended that the Commissioner deny the plaintiff’s application for disability insurance and SSI benefits, finding that Rieber’s disability ended on April 1, 2008, when she had medical improvement related to her ability to work and was found to have the residual functional capacity to perform sedentary work.

In accordance with the memorandum opinion entered herein this date, **IT IS HEREBY ORDERED AND ADJUDGED** that the Report and Recommendation of the United States Magistrate Judge (DN 18) is **ACCEPTED AND ADOPTED** with the exception of that portion of the report which concludes, based upon *Mullis v. Bowen*, 861 F.2d 991 (6<sup>th</sup> Cir. 1988), that Rieber was ineligible to have her employment in 2008 and 2009 considered a trial work period. The final

decision of the Commissioner is **AFFIRMED**, and the complaint is **DISMISSED WITH PREJUDICE**.

There being no just reason for delay in its entry, this is a final order.

**IT IS SO ORDERED.**