

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:12-CV-866-H

DARIEL S. COX

PLAINTIFF

V.

CAROLYN W. COLVIN,
ACTING COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

MEMORANDUM OPINION AND ORDER

Plaintiff, Dariel S. Cox, filed this action for judicial review of an administrative decision of the Commissioner of Social Security, who denied his application for disability insurance and supplemental security income benefits. This Court referred the matter to the Magistrate Judge. The issue before the Magistrate Judge was whether the Administrative Law Judge erred when he determined Mr. Cox's subjective claims of disabling back pain were not adequately supported by medical evidence in the record.



One of the biggest disagreements on appeal is the ALJ's reference to the February 2012 x-ray as opposed to the February 2011 x-ray. However, the Magistrate Judge adequately explains why the absence of specific reference to the February 2011 x-ray does not depreciate the ALJ's opinions. Overall the Court agrees with the conclusions and recommendations of the Magistrate Judge and believes there is sufficient evidence supporting the ALJ's decision.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that the Court adopts the Findings of Fact, Conclusions of Law and Recommendations of the Magistrate Judge and Plaintiff's claims are DISMISSED WITH PREJUDICE.

This is a final order.

March 19, 2014



**John G. Heyburn II, Judge
United States District Court**

cc: Counsel of Record
Magistrate Judge James D. Moyer