

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION
CIVIL ACTION NO. 4:08CV70-J

FREDDIE HOLIDAY

PLAINTIFF

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security

DEFENDANT

MEMORANDUM OPINION AND ORDER

Plaintiff Freddie Holiday seeks Supplemental Security Income Benefits which were denied by the Commissioner. This matter was referred to United States Magistrate Judge E. Robert Goebel who recommends that the final decision of the Commissioner be affirmed and the plaintiff's Complaint dismissed.

Plaintiff has timely filed objections to the Magistrate's Report arguing that 1) the ALJ erred in failing to give controlling weight to the opinion of the treating physician, Dr. Eric Norsworthy; 2) the ALJ erred in failing to state any sufficient reason for rejecting the opinion of the treating medical provider, Dr. Eric Norsworthy; 3) the ALJ erred in failing to accept Mr. Holiday's testimony as fully credible and in failing to state sufficient reason for doing so; 4) the ALJ erred in failing to determine that the combined effects of Mr. Holiday's impairments rendered him totally disabled; 5) the ALJ erred in improperly speculating as to medical conclusions; and 6) the ALJ erred in finding the Commissioner met its burden of proof to show there were a significant number of jobs that Mr. Holiday could perform available in the economy. Thorough review of the record in light of claimant's arguments reveals that the ALJ's conclusions are supported by substantial evidence of record. The issues in contention were sufficiently addressed in the Magistrate Judge's Findings of Fact, Conclusions of Law and Recommendation.

In sum, this Court has conducted a de novo review of the entire record and finds that the analyses and conclusions of the Magistrate Judge mirror those of the undersigned. The Court adopts the Magistrate Judge's Findings of Fact, Conclusions of Law and Recommendation in lieu of writing a separate opinion.

Accordingly, for the reasons stated herein, IT IS ORDERED:

- 1) The Magistrate Judge's Findings of Fact, Conclusions of Law and Recommendation are ADOPTED, and those findings and conclusions are incorporated by reference herein;
- 2) The final Decision of the Commissioner denying benefits is AFFIRMED; and
- 3) Plaintiff's Complaint is DISMISSED, with prejudice.

This is a final and appealable Memorandum Opinion and Order, and there is no just cause for delay.