

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION
CIVIL ACTION NO. 5:08CV125-J

SHERRI EDWARDS

PLAINTIFF

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security

DEFENDANT

MEMORANDUM OPINION AND ORDER

Plaintiff Sherri Edwards seeks Disability Insurance and Supplemental Security Income Benefits which were denied by the Commissioner. This matter was referred to United States Magistrate Judge W. David King 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 Appeals Council committed due process procedural errors in failing to grant counsel's second request for an extension of time; 2) the ALJ committed a due process error by failing to give counsel time to obtain an assessment from the claimant's treating neurosurgeon, Dr. Arendall; 3) the ALJ erred in evaluating claimant's mental impairment and combination of impairments; 4) the ALJ's vocational analysis and application of the Medical/Vocational Guidelines is defective and unsupported; and 5) the ALJ's evaluation of the claimant's pain and credibility is erroneous and unsupported. 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 Report 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 Report and Recommendation in lieu of writing a separate opinion.

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

- 1) The Magistrate Judge's Report and Recommendation is 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.