

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION
CIVIL ACTION NO. 5:09CV108-J

PETE JOHNSON

PLAINTIFF

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security

DEFENDANT

MEMORANDUM OPINION AND ORDER

Plaintiff Pete Johnson seeks Disability Insurance 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 matter be affirmed and the plaintiff's claim dismissed. The case is now before the undersigned on plaintiff's objections. After conducting a de novo review of those matters that are the subject of specific written objection, the Court is of the opinion that the decision of the Commissioner is supported by substantial evidence and must be affirmed.

The plaintiff has timely filed objections to the Magistrate Judge's Report arguing: 1) the ALJ erred in rejecting the disabling opinions of the claimant's treating physician Dr. Emily Reyes-Prince; and 2) the ALJ failed to properly account for the side effects of claimant's medications in determining that he could perform work as a security monitor. The requirements of the law as to when a treating physician's opinion is controlling and what justifications are permissible in a decision to limit the weight of a doctor's opinion are clear, and the Court sees no indication that those requirements were ignored in this case. While this Court might have weighed the evidence differently, it nonetheless finds that the ALJ's Decision contains no error of law and it is supported by substantial evidence.

In sum, this 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 Magistrate Judge's Report is hereby adopted, and its findings and conclusions are incorporated by reference herein.

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.