

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

MICHELLE RENEE WETMORE

CIVIL ACTION

VERSUS

CAROLYN W. COLVIN, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION

NO. 14-00274-BAJ-SCR

RULING AND ORDER

On August 26, 2015, United States Magistrate Judge Stephen C. Riedlinger issued a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B), recommending that the Court affirm the Acting Commissioner of the Social Security Administration's decision denying Plaintiff Michelle Renee Wetmore's ("Wetmore" or "Plaintiff") application for disability insurance benefits and supplemental security income, and dismissing Wetmore's appeal. (**Doc. 11**).

The Magistrate Judge's Report and Recommendation specifically notified all parties that, pursuant to 28 U.S.C. § 636(b)(1), the parties had fourteen (14) days from the date they were served with the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law, and recommendations set forth therein. (**Doc. 11** at p. 1). A review of the record indicates that Wetmore timely submitted written objections on September 14, 2015.<sup>1</sup> (**Doc. 12**).

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<sup>1</sup> In her objections, Plaintiff cited to a single Social Security regulation—but no case law—to support her argument that the Commission's Administrative Law Judge ("ALJ") did not consult a comprehensive enough selection of resources to effectively evaluate Wetmore's chronic pain condition. (Doc. 12 at p. 1–2). Plaintiff claimed that the ALJ "ignored the value of [Wetmore's] first-hand testimony" by evaluating Wetmore's credibility based "almost solely on the doctor's notes," and

Having carefully considered the Magistrate Judge's Report and Recommendation, the record, and the applicable law, the Court concludes that the Magistrate Judge's Report and Recommendation is correct, and hereby adopts its findings of fact and conclusions of law.

Accordingly,

**IT IS ORDERED** that the **Magistrate Judge's Report and Recommendation (Doc. 11)** is **ADOPTED** as the Court's opinion herein.

**IT IS FURTHER ORDERED** that the Acting Commissioner of the Social Security Administration's decision denying Plaintiff Michelle Renee Wetmore's application for disability insurance benefits and supplemental security income is **AFFIRMED**.

**IT IS FURTHER ORDERED** that the above-captioned matter is **DISMISSED WITH PREJUDICE**.

Baton Rouge, Louisiana, this 17<sup>th</sup> day of September, 2015.



**BRIAN A. JACKSON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

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emphasized that claimants do not have access to a doctor's treatment records so that they may properly answer questions about or clarify misunderstandings regarding the notes during a disability hearing. (*Id.* at p. 2). In his recommendation, the Magistrate Judge reasoned that (1) the ALJ's finding that Plaintiff's subjective complaints of pain were not fully credible and (2) the administrative record contained ample and substantial evidence to support the ALJ's credibility determination. (Doc. 11 at p. 9-10).