

**UNITED STATES DISTRICT COURT
District of Maine**

RONALD J. STRONG,

Plaintiff

v.

**SOCIAL SECURITY
ADMINISTRATION
COMMISSIONER,**

Defendant

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2:10-cv-427-GZS

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on January 26, 2011, her Recommended Decision (Docket No. 18). On February 14, 2011, Plaintiff filed supporting documents consisting of: three requests for hearing by an administrative law judge, which are dated between October 25, 2010 and December 17, 2010; a fax cover sheet indicating that these appeals were faxed to Social Security on December 23, 2010; and, a request for reconsideration dated December 24, 2010 (Docket No. 22). The Court notes that it is generally improper for any party to supplement the factual record in connection with objections to a recommended decision. However, in the interests of efficiency and justice, the Court has exercised its discretion to consider Plaintiff's supporting documents in connection with its de novo review of the Recommended Decision.

Having reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record, the Court has made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision. The Court concurs with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and

determines that no further proceeding is necessary. With respect to the additional documents Plaintiff provided the Court after the Recommended Decision was filed (Docket No. 22), the Court notes that all of these documents reflect that Mr. Strong has taken various steps to obtain additional levels of administrative review since filing this lawsuit on October 20, 2010. The record does not reflect that there have been administrative hearings as a result of these requests and/or that the Commissioner has issued a final decision in connection with the four requests that Mr. Strong apparently filed between October 25, 2010 and December 24, 2010. Thus, having reviewed and considered the additional documentation submitted by Plaintiff on February 14, 2011, the Court concludes that any claim Mr. Strong has with respect to the amount of benefits awarded to him remains subject to dismissal for failure to exhaust and complete the administrative review process prior to filing this lawsuit.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Defendant's Motion to Dismiss (Docket No. 13) is **GRANTED**.

/s/ George Z. Singal
United States District Judge

Dated this 15th day of February, 2011.