

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

FILED IN COURT  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

DAVID DEAN CAREY

v.

COMMISSIONER, SOCIAL SECURITY

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2014 JUN 23 P 2:05  
Civil Case No. ELH-13-684  
CLERK'S OFFICE  
AT BALTIMORE

\*\*\*\*\*BY \*\*\*\*\* DEPUTY


MEMORANDUM

On June 18, 2013, this matter was referred to Magistrate Judge Stephanie Gallagher for a Report and Recommendations as to any dispositive motions. ECF 5. Judge Gallagher issued her Report and Recommendations on April 29, 2014, in which she recommended granting the Commissioner's motion for summary judgment and denying the motion for summary judgment filed by the Plaintiff, David Dean Carey. ECF 19. Mr. Carey timely filed objections to the Report and Recommendations. ECF 20. In accordance with Fed. R. Civ. P. 72(b), I have reviewed the record and made a *de novo* determination of the issues to which the Report and Recommendation relates, including the objections lodged by Mr. Carey. I am completely persuaded that Judge Gallagher's recommended rulings are correct and reasonable.

Mr. Carey objects to the treatment of the opinions of two of his treating mental health providers, who work for a practice that will not release treatment notes. Pl. Obj. 1-4. The Administrative Law Judge ("ALJ") assigned little weight to those opinions, and Judge Gallagher affirmed the ALJ's conclusion. ECF 19 at 5-6. While Mr. Carey contends that the ALJ should have made reasonable efforts to recontact those mental health providers to obtain more information, he has not established that any such action was required under the governing regulation at the time of the agency's adjudication. See 20 C.F.R. § 416.927(c)(3) (effective June 13, 2011 to March 25, 2012) (requiring the ALJ to recontact a treating physician or take other action only if the ALJ lacked sufficient evidence to decide the issue of disability). In light

of all of the other evidence cited by the ALJ to support his conclusion, including treatment notes from several other sources, I find that all of Judge Gallagher's proposed rulings, as reflected in her thorough and careful analysis, are correct and reasonable, in every respect. Therefore, I adopt her Report and Recommendations as my own opinion. A separate Order follows.

Dated: 6/23/14

  
Ellen Lipton Hollander  
United States District Judge