

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 16-11891-RGS

JEROME P. JOYCE, Plaintiff

v.

NANCY A. BERRYHILL, Acting Commissioner
of the Social Security Administration

ORDER ON REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

September 18, 2017

STEARNS, D.J.

I agree with Magistrate Judge Cabell's thorough analysis of the record and his conclusion that the Commissioner correctly found that plaintiff was not disabled as of the date of last insured, as the Social Security Act requires. Like the Magistrate Judge, I find no reason to fault the assessment by the Administrative Law Judge (ALJ) of the evidence regarding plaintiff's psychological limitations or her determination as to the onset of any disability (as well as her decision to forego the "empty exercise" of consulting a medical expert on the issue, see R & R, at 33). Consequently, the Recommendation is ADOPTED, plaintiff's motion to reverse or remand the decision of the Commissioner is DENIED, and the Commissioner's motion

to affirm is ALLOWED.¹ The Clerk will enter judgment for the Commission and close the case.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE

¹ I have carefully reviewed the Objections filed by plaintiff to the Report and Recommendation. The objections raise no new facts or arguments of significance that were not presented to Magistrate Judge Cabell and considered in his Report (and by the ALJ before him). As he noted, it is simply not the case that the ALJ did not consider Dr. Golub's opinion as to plaintiff's psychological state. See R & R, at 25-27. She simply did not find his opinion sufficiently credible to overcome other objective medical evidence in the record. Nor did she attempt to substitute her untrained medical judgment for those of the medical reviewers (Dr. Kasdan and Dr. Fieman), on whose opinions, apart from the record evidence, she appropriately relied. *Id.* at 27-28.