

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SANDRA E. AUSTIN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 10-14159

Honorable Patrick J. Duggan

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on June 1, 2012.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On October 18, 2010, Sandra Austin (“Plaintiff”) filed this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of Defendant Commissioner of Social Security (“Commissioner”) denying her application for Disability Insurance Benefits and Supplemental Security Income. Plaintiff and the Commissioner have filed cross-motions for summary judgment, and these motions are presently before the Court. This matter has been referred to Magistrate Judge David R. Grand for all pretrial proceedings.

On March 19, 2012, Magistrate Judge Grand filed a Report and Recommendation (“R&R”), in which he recommends that the Court grant the Commissioner’s motion for summary judgment and deny Plaintiff’s motion for summary judgment. Magistrate Judge

Grand concluded that reversal was not warranted on grounds that the Administrative Law Judge (“ALJ”) failed to identify Plaintiff’s depression as a “severe” impairment, because the ALJ had identified another severe impairment and appropriately proceeded to the next step of the five-step analysis. R&R 12. Magistrate Judge Grand further concluded that to the extent that the ALJ may have erred in analyzing the evidence of Plaintiff’s depression, the error was harmless and does not require remand. R&R 12-17. Magistrate Judge Grand recommends that the Court affirm the Commissioner’s decision.

At the conclusion of the R&R, Magistrate Judge Grand advises the parties that they may object and seek review of the R&R within fourteen days of service upon them. R&R 17. He further advises that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” *Id.* (citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505, 508 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981)). No objections to the R&R have been filed.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Grand.

Accordingly,

IT IS ORDERED that Plaintiff’s motion for summary judgment is **DENIED**;

IT IS FURTHER ORDERED that the Commissioner’s motion for summary judgment is **GRANTED**, and the decision of the Commissioner is **AFFIRMED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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