

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAWN MARIE KIRCHNER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Civil Case No. 12-cv-15052
Honorable Patrick J. Duggan

Defendant.

**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S
SEPTEMBER 30, 2013 REPORT AND RECOMMENDATION; (2)
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; AND
(3) GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

On November 15, 2012, Plaintiff filed this lawsuit challenging the Commissioner's final decision denying Plaintiff's application for disability insurance benefits. On that date, this Court referred the lawsuit to Magistrate Judge David R. Grand for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 2.) The parties subsequently filed cross-motions for summary judgment. On September 30, 2013, Magistrate Judge Grand issued his R&R recommending that this Court deny Plaintiff's motion, grant

Defendant's motion, and affirm the Social Security Commissioner's decision.
(ECF No. 14.)

In his R&R, Magistrate Judge Grand concludes that the administrative law judge did not err in formulating a hypothetical question for the vocational expert or in determining Plaintiff's residual functional capacity. (*Id.* at 18-21.) Magistrate Judge Grand therefore concludes that substantial evidence supports the Commissioner's finding that Plaintiff was not disabled for purposes of the Social Security Act. (*Id.* at 21.) At the conclusion of the R&R, Magistrate Judge Grand advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 22.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.*) No objections to the R&R were filed.

The Court has carefully reviewed the R&R and concurs with Magistrate Judge Grand's conclusions. The Court therefore adopts Magistrate Judge Grand's September 30, 2013 Report and Recommendation.

Accordingly,

IT IS ORDERED, that Plaintiff's motion for summary judgment is
DENIED;

IT IS FURTHER ORDERED, that Defendant's motion for summary

judgment is **GRANTED**.

Dated: November 4, 2013

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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Magistrate Judge David R. Grand