

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL GIER,

Plaintiff,

Case no: 15-12792

District Judge Victoria A. Roberts

Magistrate Judge David R. Grand

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER:

(1) ADOPTING REPORT AND RECOMMENDATION (Doc. # 28);

(2) GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

(Doc. # 22); AND,

(3) DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (Doc. # 18)

Plaintiff Michael Gier ("Gier") appeals the denial of Social Security disability benefits by the Commissioner of Social Security (the "Commissioner"). The parties filed cross-motions for summary judgment. The Court referred those motions to Magistrate Judge David Grand.

Magistrate Judge Grand issued a Report and Recommendation ("R&R") recommending that the Court grant Defendant's Motion and deny Gier's. Magistrate Judge Grand found that: (1) substantial evidence supports the ALJ's decision that Gier had the residual functional capacity ("RFC") to perform light work; (2) the ALJ properly evaluated Gier's mental condition; (3) substantial evidence supports the ALJ's decision at step-three that Gier's mental impairments caused mild functional limitations between August 19, 2007 and December 31, 2008; (4) the ALJ appropriately gave little weight to

Dr. Kaniowski's medical opinions; (5) Dr. Kaniowski's answers to Gier's physical RFC questionnaire were inconsistent with the evidence in the record; (6) substantial evidence supports the ALJ's conclusion that Gier's anxiety disorder and adjustment disorder caused mild limitations; (7) the ALJ properly assessed Gier's credibility; and, (8) the record does not show that Gier is medically required to have a cane to stand.

Gier filed objections to all of Judge Grand's conclusions in the R&R.

After proper objections are made, the Court reviews *de novo* a Magistrate Judge's Report and Recommendation on a dispositive motion. 28 U.S.C. § 636(b)(1); F. R. Civ. P. 72(b)(3). A court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. *Id.* A district court need not conduct *de novo* review where the objections are "[f]rivolous, conclusive or general." *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir.1986) (citation omitted). After completing a *de novo* review, there is no requirement that the district court articulate all of the reasons it rejects a party's objections. *Tuggle v. Seabold*, 806 F.2d 87, 93 (6th Cir. 1986); *Dickey-Williams v. Comm'r of Soc. Sec.*, 975 F. Supp. 2d 792, 798 (E.D. Mich. 2013).

After carefully reviewing the cross motions for summary judgment, the R&R, Gier's objections, the Commissioner's response, and the remainder of the record, the Court agrees with Magistrate Judge Grand's conclusions.

Magistrate Judge Grand accurately laid out the facts and relevant portions of the administrative record; he engaged in a thorough analysis of the issues and provided reasoned explanations for his conclusions. In reaching his conclusions, Magistrate Judge Grand considered the entire record and applied the appropriate standard for review of an ALJ's decision.

Accordingly, the Court **ADOPTS** Magistrate Judge Grand's Report and Recommendation: Defendant's Motion for Summary Judgment is **GRANTED**; Plaintiff's Motion to for Summary Judgment is **DENIED**. The decision of the Commissioner of Social Security is **AFFIRMED**.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: March 23, 2017

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on March 23, 2017.

s/Linda Vertriest
Deputy Clerk