

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JESSICA HELTON,

Plaintiff,

CASE NO. 18-11440

HON. DENISE PAGE HOOD

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**OPINION AND ORDER ADOPTING REPORT AND
RECOMMENDATION [#14] TO GRANT DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT [#13] AND TO DENY PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT [#11]**

I. BACKGROUND

This matter is before the Court on a Report and Recommendation (Doc # 14) filed by Magistrate Judge David R. Grand to grant the Motion for Summary Judgment filed by Defendant Commissioner of Social Security (“Commissioner”) (Doc # 13) and to deny the Motion for Summary Judgment filed by Plaintiff Jessica Helton (“Helton”) (Doc # 11). Helton has timely filed one objection to the Report and Recommendation. (Doc # 15) The Commissioner has filed a response to the objection. (Doc # 16) Having conducted a *de novo* review of the parts of the Magistrate Judge’s Report and Recommendation to which a valid objection has been

filed pursuant to 28 U.S.C. § 636(b)(1), the Court ACCEPTS and ADOPTS the Report and Recommendation, GRANTS the Commissioner's Motion for Summary Judgment, and DENIES Helton's Motion for Summary Judgment.

The background facts of this matter are adequately set forth in the Magistrate Judge's Report and Recommendation, and the Court adopts them here.

II. ANALYSIS

A. Standard of Review

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made." 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* In order to preserve the right to appeal the magistrate judge's recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 508-09 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

B. Helton's Objection

Helton objects to the Magistrate Judge's ruling that the ALJ 's residual functional capacity ("RFC") finding was supported by substantial evidence and claims that the ALJ incorrectly weighed Helton's medical records. Specifically, Helton argues that the ALJ "minimized the documentation that emphasized her limitation, and her testimony that she cannot handle a continuous work environment." In response, the Commissioner asserts that the ALJ's RFC finding *is* supported by substantial evidence. The Commissioner additionally argues that Helton fails to identify any specific errors that the Magistrate Judge made in his Report and Recommendation.

The Court agrees with the Magistrate Judge that there was substantial evidence for a finding that the ALJ's RFC determination was satisfactory. The record demonstrates that the ALJ thoroughly evaluated the pertinent medical evidence and made detailed findings. (Doc # 7-2, Pg ID 46-52) There is no support for Helton's argument that the ALJ minimized any documentation and Helton does not inform the Court of how the ALJ did not properly consider any relevant documents. As to Helton's testimony regarding her ability to handle a continuous work environment, the Court notes that the ALJ did take such testimony into consideration when making her decision. (*Id.* at 48.)

Helton's objection is overruled.

III. CONCLUSION

For the reasons set forth above,

IT IS HEREBY ORDERED that Magistrate Judge David R. Grand's Report and Recommendation (Doc # 14) is ACCEPTED and ADOPTED as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendant Commissioner of Social Security's Motion for Summary Judgment (Doc # 13) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff Jessica Helton's Motion for Summary Judgment (Doc # 11) is DENIED.

IT IS FURTHER ORDERED that this action is DISMISSED with prejudice.

DATED: August 16, 2019

s/Denise Page Hood
DENISE PAGE HOOD
Chief Judge