

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ASHLEY D.,

Plaintiff,

v.

Civil Case No. 22-11344
Honorable Linda V. Parker

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE’S
JULY 17, 2023, REPORT AND RECOMMENDATION [ECF NO. 16], (2)
GRANTING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT
[ECF NO. 15], AND (3) DENYING PLAINTIFF’S MOTION FOR
SUMMARY JUDGMENT [ECF NO. 13]**

On June 16, 2022, Plaintiff Ashley D. (“Plaintiff”) filed this lawsuit pursuant to 42 U.S.C. § 405(g), seeking to challenge the Commissioner of Social Security’s (“Commissioner”) decision denying her application for social security benefits under the Social Security Act. (ECF No. 1.) On December 12, 2022, Plaintiff filed a motion for summary judgment, ECF No. 13, followed by the Commissioner filing its motion for summary judgment on January 11, 2023. (ECF No. 15.) On June 17, 2022, this Court referred the lawsuit to former Magistrate Judge

Johnathan J.C. Grey,¹ ECF No. 3, and later reassigned it to Chief 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) and (C). (ECF No. 3.)

On July 17, 2023, Chief Magistrate Judge Grand issued a report and recommendation (R&R) recommending that the Court grant the Commissioner’s motion for summary judgement and deny Plaintiff’s motion for summary judgment. Specifically, Chief Magistrate Judge Grand concludes “that substantial evidence supports the Administrative Law Judge’s (“ALJ”) conclusion that Plaintiff is not disabled under the Act.”² (ECF No. 16 at Pg ID 734–35.) In support of his conclusion, Chief Magistrate Judge Grand finds the following: (1) the ALJ’s evaluation of her subjective complaints were supported by substantial evidence; (2) the ALJ’s evaluation of the medical opinion of Christopher Blanchet, P.A., was supported by substantial evidence, and (3) Plaintiff failed to show reversible error regarding the ALJ’s decision to not include an emotional support

¹ Jonathan J.C. Grey was subsequently appointed as a United States District Judge in the Eastern District of Michigan.

² Although Chief Magistrate Judge Grand correctly summarizes the ALJ’s finding that Plaintiff was not disabled under the Act, *see* ECF No. 9 at Pg ID 66, there is a minor typo later in the R&R where it states the following: “Thus, the ALJ concluded that Plaintiff *was* disabled under the Act.” (ECF No. 16 at Pg ID 738 (emphasis added).)

dog in the residual functional capacity. At the conclusion of the R&R, Chief Magistrate Judge Grand informs the parties that they must file any objections to the R&R within fourteen (14) days. (*Id.* at Pg ID 757.) He further specifically advises the parties that “[f]ailure to timely file objections constitutes a waiver of any further right of appeal.” (*Id.* (citations omitted).) Neither party filed objections.

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

Accordingly,

IT IS ORDERED that the Commissioner’s Motion for Summary Judgment (ECF No. 15) is **GRANTED**, and Plaintiff’s Motion for Summary Judgment (ECF No. 13) is **DENIED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: August 15, 2023