

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

JENNIFER PAGE,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 17-cv-13716

Honorable Linda V. Parker

Magistrate Judge R. Steven Whalen

**OPINION AND ORDER (1) REJECTING PLAINTIFF'S OBJECTIONS TO
THE MAGISTRATE'S REPORT AND RECOMMENDATION (ECF NO.
26) AND (2) ADOPTING THE MAGISTRATE'S REPORT AND
RECOMMENDATION (ECF NO. 25) GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT (ECF NO. 13) AND DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (ECF NO. 8)**

Plaintiff Jennifer Page ("Plaintiff") initiated this lawsuit pursuant to 42 U.S.C. § 405(g) seeking judicial review of Defendant Commissioner of Social Security's denial of her application for Disability Insurance Benefits ("DIB") under Title II of the Social Security Act. (ECF No. 1.) This matter was referred to Magistrate Judge Whalen pursuant to 28 U.S.C. § 636(b)(1)(A), (B) and (C). (ECF No. 2.) Both parties filed summary judgment motions. (ECF No. 8, 13.) Magistrate Judge Whalen entered a Report and Recommendation ("R&R"). (ECF No. 25.) Plaintiff filed timely Objections to the R&R and a Notice of

Supplemental Authority, and Defendant filed a timely Reply. (ECF No. 26, 27, 28.)

Standard of Review

When objections are filed to a magistrate judge's report and recommendation on a dispositive matter, the Court "make[s] a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). The Court, however, "is not required to articulate all of the reasons it rejects a party's objections." *Thomas v. Halter*, 131 F. Supp. 2d 942, 944 (E.D. Mich. 2001) (citations omitted). A party's failure to file objections to certain conclusions of the report and recommendation waives any further right to appeal on those issues. *See Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir.1987). Likewise, the failure to object to certain conclusions in the magistrate judge's report releases the Court from its duty to independently review those issues. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Analysis

The Court has reviewed Plaintiff's Objections to Magistrate Judge Whalen's R&R and rejects them.

First, Plaintiff objects to the R&R claiming that it "misses the point of Plaintiff's argument" that the ALJ failed to satisfy its duty to articulate a rationale

with specific references to the record. This Court is satisfied with the R&R and the ALJ's rationale and references to the record. (*See* R&R, ECF No. 25, PageID 955-56 (articulating the ALJ's rationale with references to the record)).

Second, Plaintiff objects to the R&R claiming that the decision to uphold the administrative findings violates *SEC v. Chenery Corp.*, 318 U.S. 80, 93-94 (1993) because the ALJ did not properly articulate the rationale and basis of its findings. (*See* R&R, ECF No. 25 at 15–17, PageID 955–57.) This Court disagrees and finds that there has been no violation of *Chenery*. (*See* R&R, ECF No. 25 at 16, PageID 956.)¹

Finally, Plaintiff seeks to have the Court reconsider the denial of her previous motion for leave to file an amended complaint. (*See* ECF No. 24.) The Court rejects Plaintiff's request as untimely pursuant to L.R. 72(a) and unresponsive to the R&R pursuant to L.R. 72-1(d).

The Court, therefore, is rejecting Plaintiff's Objections to Magistrate Judge Whalen's R&R and adopting the R&R, which grants Defendant's Motion for Summary Judgment and denies Plaintiff's Motion for Summary Judgment.

Accordingly,

¹ The option would not have changed the number of available jobs, and the ALJ considered other evidence in the record to reach its conclusion.

IT IS ORDERED that Plaintiff's Objections (ECF No. 26) are **REJECTED** and the Court **ADOPTS** Magistrate Judge Whalen's January 15, 2019 Report and Recommendation (ECF No. 25).

IT IS FURTHER ORDERED that Defendant Commissioner of Social Security's Motion for Summary Judgment (ECF No. 13) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 8) is **DENIED**.

IT IS SO ORDERED.

s/Linda V. Parker
LINDA V. PARKER
UNITED STATES DISTRICT JUDGE

Dated: March 11, 2019

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 11, 2019, by electronic and/or U.S. First Class mail.

s/R. Loury
Case Manager