

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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| LADERIC F. MCDONALD, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 4:10CV2104 RWS |
| |) | |
| MICHAEL J. ASTRUE, |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

This matter is before me on a Report and Recommendation to affirm the decision of the Commissioner of Social Security to deny Plaintiff Laderic McDonald disability and supplemental security income benefits. McDonald has filed timely objections to this recommendation. I find that the Report and Recommendation properly states the applicable law. As a result, I will adopt the Report and Recommendation and affirm the decision of the Commissioner.

This matter was referred to United States Magistrate Nannette A. Baker for a Report and Recommendation pursuant to 28 U.S.C. § 636(b). Judge Baker issued her Report and Recommendation that recommended that the Commissioner's decision to deny benefits be affirmed. Judge Baker found that the Administrative Law Judge's (ALJ) determination that McDonald was not under a disability was supported substantial evidence in the record as a whole.

A federal court reviews the decision of an ALJ to determine whether the decision is supported by "substantial evidence" in the record as a whole. Smith v. Shalala, 31 F.3d 715, 717 (8th Cir. 1994). If the ALJ's findings are supported by substantial evidence, the findings are deemed to be conclusive and the ALJ's decision must be affirmed. Id. The ALJ's decision may not be reversed "merely because substantial evidence exists for the opposite decision." Lacroix v. Barnhart, 465 F.3d 881, 885 (8th Cir. 2006)(citation and quotation omitted). Nor can the decision be reversed because the reviewing court would have decided the case differently.

Krogmeier v. Barnhart, 294 F.3d 1019, 1022 (8th Cir. 2002).

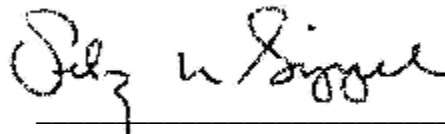
The background of this case is fully set forth in Judge Baker's Report and Recommendation. McDonald asserts three objections. These objections are substantially the same issues McDonald raised in his complaint that were considered by Judge Baker. McDonald asserts that the ALJ erred by not giving sufficient weight to evidence of his treating physician Dr. Maurice Redden regarding McDonald's disability. McDonald asserts that the ALJ's determination of McDonald's residual functional capacity failed to include certain additional limitations arising from McDonald's mental conditions. McDonald also asserts that the ALJ's residual functional capacity determination failed to consider McDonald's physical impairments.

In her Report and Recommendation, Judge Baker thoroughly analyzed these claims and found them to be without merit. I have conducted a de novo review of McDonald's claims and objections. I have carefully reviewed the record in this matter and I agree with Judge Baker's conclusion that the ALJ's decision is supported by substantial evidence in the record. As a result, I will adopt Judge Baker's Report and Recommendation.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge Nannette A. Baker [#21] is **SUSTAINED, ADOPTED AND INCORPORATED** herein.

IT IS FURTHER ORDERED that the Commissioner's decision to deny Plaintiff McDonald disability and supplemental security income benefits is **AFFIRMED** and this case is **DISMISSED**.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 29th day of March, 2012.