

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**GUENEVIERE WOLVEN also known as
Gueneviere Gardner,**

Plaintiff,

v.

**1:12-CV-1308
(FJS/CFH)**

**CAROLYN W. COLVIN, Acting Commissioner
of Social Security,**

Defendant.

APPEARANCES

OF COUNSEL

BINDER AND BINDER

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New York, New York 10165
Attorneys for Plaintiff

CHARLES E. BINDER, ESQ.

**SOCIAL SECURITY ADMINISTRATION
OFFICE OF REGIONAL GENERAL
COUNSEL, REGION II**

26 Federal Plaza, Room 3904
New York, New York 10278

JOANNE J. PENGELLY, ESQ.

SCULLIN, Senior Judge

ORDER

Plaintiff commenced this action, seeking judicial review of the Commissioner's final decision. *See* Dkt. No. 1. Defendant filed her answer and the administrative record on February 7, 2013. *See* Dkt. Nos. 6-7. Plaintiff filed her motion for judgment on the pleadings on March 25, 2013, *see* Dkt. No. 9; and Defendant filed her motion for judgment on the pleadings on June 6, 2013, *see* Dkt. No. 13. On November 12, 2013, Magistrate Judge Hummel issued his Report-Recommendation and Order in which he recommended that this Court deny Plaintiff's judgment

on the pleadings and affirm Defendant's final decision. *See* Dkt. No. 14. Plaintiff filed objections to these recommendations. *See* Dkt. No. 15.

In reviewing a magistrate judge's report-recommendation, the district court may decide to accept, reject or modify the recommendations therein. *See* 28 U.S.C. § 636(b)(1). The court conducts a *de novo* review of the magistrate judge's recommendations to which a party objects. *See Pizzaro v. Bartlett*, 776 F. Supp. 815, 817 (S.D.N.Y. 1991). ""If, however, the party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error."" *Salmini v. Astrue*, No. 3:06-CV-458, 2009 WL 1794741, *1 (N.D.N.Y. June 23, 2009) (quoting [*Farid v. Bouey*, 554 F. Supp. 2d 301] at 306 [(N.D.N.Y. 2008)] (quoting *McAllan v. Von Essen*, 517 F. Supp. 2d 672, 679 (S.D.N.Y. 2007))). Finally, even if the parties file no objections, the court must ensure that the face of the record contains no clear error. *See Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (quotation omitted).

The Court has conducted a *de novo* review of Magistrate Judge Hummel's November 12, 2013 Report-Recommendation and Order in light of Plaintiff's objections. Having completed that review, the Court agrees with Magistrate Judge Hummel's conclusion that the Administrative Law Judge ("ALJ") properly evaluated the medical opinion evidence, applied the correct legal standards, and reached a decision that was supported by substantial evidence. In addition, the Court concurs with Magistrate Judge Hummel's finding that the ALJ did not engage in any conduct that would merit a remand. Accordingly, the Court hereby

ORDERS that Magistrate Judge Hummel's November 12, 2013 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that Defendant's decision is **AFFIRMED**; and the Court further

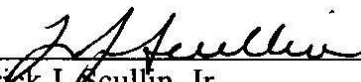
ORDERS that Defendant's motion for judgment on the pleadings is **GRANTED**; and the Court further

ORDERS that Plaintiff's motion for judgment on the pleadings is **DENIED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED.

Dated: September 25, 2014
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge