

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

REBECCA L.,

Plaintiff,

vs.

**5:21-CV-1212
(TJM/DEP)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

The Court referred this Complaint, which Plaintiff brought pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) to challenge the Commissioner of Social Security's denial of her application for social security disability benefits, to Magistrate Judge David E. Peebles for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

Plaintiff alleges that the Commissioner failed to follow the relevant legal standards and lacked substantial evidence for denying her application.

Judge Peebles Report-Recommendation, dkt. # 18, issued December 7, 2022, recommends that the Court grant the Commissioner's motion for judgment on the pleadings and deny the Plaintiff's motion for judgment on the pleadings and close the case. Judge Peebles rejects Plaintiff's arguments that the ALJ ignored relevant evidence of her limitations and failed to credit certain opinion evidence properly.

Plaintiff objected to the Report-Recommendation. See dkt. # 19. She contends that Judge Peebles excused clear errors by the ALJ in interpreting expert opinion and ignored evidence of Plaintiff's daily activities that undermined the ALJ's findings. The Commissioner responded to the Plaintiff's objections. See dkt. # 20. When a party objects to a magistrate judge's Report-Recommendation, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." Id.

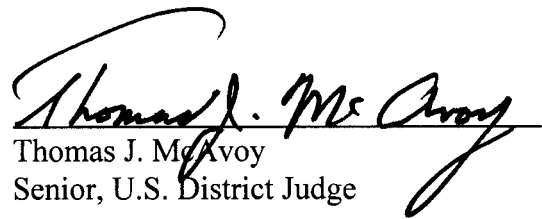
Having reviewed the record *de novo* and having considered the other issues raised in the Plaintiff's objections, this Court has determined to overrule Plaintiff's objections accept and adopt the recommendation of Judge Peebles for the reasons stated in the Report-Recommendation.

Accordingly:

Plaintiff's objections, dkt. # 19, to the Report-Recommendation of Judge Peebles, are hereby **OVERRULED**. The Report-Recommendation, dkt. # 18, is hereby **ACCEPTED and ADOPTED**. Plaintiff's motion for judgment on the pleadings, dkt. # 11, is hereby DENIED. Defendant's motion for judgment on the pleadings, dkt. # 15, is hereby GRANTED. Plaintiff's Complaint is hereby DISMISSED. The Clerk of Court is directed to close the case.

IT IS SO ORDERED.

Dated: March 16, 2023


Thomas J. McAvoy
Senior, U.S. District Judge