

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

LAURIE A. T.,

Plaintiff,

v.

**8:21-CV-1071
(TJM/DEP)**

**KILOLO KIJAKAZI, Acting
Commissioner, Social Security Administration,**

Defendant.

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

DECISION & ORDER

Plaintiff filed this action pursuant to 42 U.S.C. § 405(g), seeking review of the finding of the Defendant, the Acting Commissioner of Social Security, denying her application for disability insurance benefits (“DIB”). The Court referred the matter to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation, dated November 2, 2022, recommends that the Court grant Defendant’s motion for judgment on the pleadings and deny the Plaintiff’s motion for judgment on the pleadings. See dkt. # 16. Judge Peebles finds that the Administrative Law Judge (“ALJ”) who considered Plaintiff’s claim for benefits applied the correct legal standards and had substantial evidence for his decisions. Judge Peebles finds that the ALJ properly found that Plaintiff’s documented mental illness and physical

limitations did not prevent her from finding employment available in sufficient numbers in the local and national economy. Judge Peebles also finds that the ALJ properly evaluated the opinion evidence and properly established Plaintiff's residual functional capacity ("RFC").

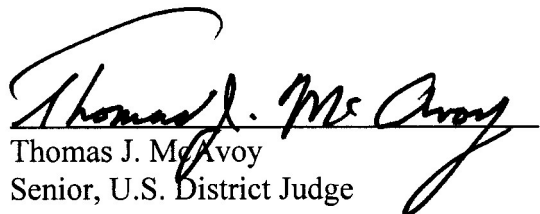
Plaintiff filed objections to the Report-Recommendation. See dkt. # 17. When a party objects to a magistrate judge's Report-Recommendation, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 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 issues raised in Plaintiff's objections, the Court will overrule the objections and adopt the recommendation of Judge Peebles for the reasons stated in the Report-Recommendation. Therefore:

it is ORDERED that Plaintiff's objections to the Report-Recommendation of Magistrate Judge Peebles, dkt. # 17, are hereby OVERRULED. The Court hereby accepts and adopts the Report-Recommendation, dkt. # 16. Defendant's motion for judgment on the pleadings, dkt. # 13, is hereby GRANTED. Plaintiff's motion for judgment on the pleadings, dkt. # 10, is hereby DENIED.

IT IS SO ORDERED.

Dated: November 30, 2022


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