

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DARRYL SIMPSON,)	
)	CASE NO. 1:16CV00314
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	<u>MEMORANDUM OF OPINION</u> <u>AND ORDER</u>

An Administrative Law Judge (“ALJ”) denied Plaintiff Darryl Simpson’s application for Supplemental Security Income (“SSI”) and Disability Insurance Benefits (“DIB”) after a hearing in the above-captioned case. That decision became the final determination of the Commissioner of Social Security when the Appeals Council denied the request to review the ALJ’s decision. The claimant sought judicial review of the Commissioner’s decision, and this Court referred the case to Magistrate Judge Kathleen B. Burke for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#).

The Magistrate Judge submitted a Report and Recommendation ([ECF No. 16](#)) recommending that the decision of the Commissioner be affirmed. Specifically, the Magistrate Judge recommends that the Court find: (1) that Plaintiff has not shown that the Residual Functional Capacity (“RFC”) as assessed by the ALJ is not supported by substantial evidence; (2) the Grid Rules 201.09 and 201.10 were not applicable; and (3) the ALJ did not err in relying on the testimony of Vocational Expert Brett Salkin (“VE”) to support the ALJ’s Step Five finding

(1:16CV00314)

that there was work in the national economy that Plaintiff could perform. [ECF No. 16 at PageID #: 929](#). In addition, she recommends that the Court find that the ALJ did not err with respect to the ALJ's Step Five finding and the ALJ not finding Plaintiff disabled at age 50. *Id.*

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the Magistrate Judge's Report were, therefore, due on January 19, 2017. Neither party has filed objections, evidencing satisfaction with the Magistrate Judge's recommendations. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn, 728 F.2d 813 \(6th Cir. 1984\)](#), *aff'd*, 474 U.S. 140 (1985); [Howard v. Secretary of Health and Human Services, 932 F.2d 505 \(6th Cir. 1991\)](#); [United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#).

Accordingly, the report and recommendation of the Magistrate Judge is hereby adopted. The decision of the Commissioner of Social Security is affirmed. Judgment will be entered in favor of Defendant.

IT IS SO ORDERED.

January 31, 2017
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge