

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MISTY M. THOMAS,)	CASE NO. 1:16-cv-675
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	Magistrate Judge Jonathan D. Greenberg
)	
COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION,)	<u>MEMORANDUM OPINION</u>
)	
Defendant.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Jonathan D. Greenberg. (ECF #17). On March 18, 2016, Plaintiff, Misty M. Thomas, filed her Complaint (ECF #1) challenging the final decision of the Commissioner of Social Security denying her applications for Period of Disability, Disability Insurance Benefits, and Supplemental Security Income under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 416(i), 423, 1381 *et seq.* On December 12, 2016, the Magistrate Judge issued his Report and Recommendation. (ECF #17). The Magistrate Judge carefully considered the full record and recommends that the Court affirm the Commissioner's final decision. On December 27, 2016, Plaintiff timely filed Objections to the Report and Recommendation. (ECF #18). On January 10, 2017, the Commissioner filed a Response to Plaintiff's Objections. (ECF #19).

The applicable standard of review of a magistrate judge's report and recommendation depends on whether objections were made to that report. When objections are made to a report and recommendation of a magistrate judge, the district court reviews *de novo* those portions of the Magistrate Judge's Report and Recommendation to which objections have been made. *See*

FED. R. CIV. P. 72(b). The Court has reviewed this matter de novo and finds that Plaintiff's objections raise no arguments (factual or legal) that have not been fully addressed by the Magistrate Judge's Report and Recommendation.

Plaintiff does not object to the Magistrate Judge's finding that the second and third assignments of error should be overruled. As such, the only issue before this Court is Plaintiff's objection to the Magistrate Judge's finding "that the [ALJ] provided adequate explanation for discounting the opinion of the treating counselor [Ms. Vegeh]." (ECF #18; PageID# 1400). Ms. Vegeh opined that "Plaintiff's ability to function in certain work-related activities was "poor to none." (ECF #17; PageID# 1392). The ALJ "point[ed] out that the record as a whole documents a greater level of functioning and a greater ability to interact with others than that to which Ms. Vegeh opined." (ECF #17; PageID# 1392). As the Magistrate Judge noted, the ALJ did discuss Ms. Vegeh's opinion and "the ALJ's reasons for discounting Ms. Vegeh's opinion were adequately explained" and substantially supported by the evidence. (ECF #17; PageID# 1394).

The Magistrate Judge's Report and Recommendation fully and correctly addresses all of the Plaintiff's claims and the Plaintiff's objections are unwarranted. The Court, therefore, ADOPTS the Report and Recommendation of Magistrate Judge Greenberg (ECF #17) in its entirety. The Commissioner's final determination denying Plaintiff's application for Period of Disability, Disability Insurance Benefits, and Supplemental Security Income is AFFIRMED.

IT IS SO ORDERED


DONALD C. NUGENT
United States District Judge

DATED: February 27, 2017