UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

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JEFFREY COLEMAN,

CASE NO. 1:16-CV-931

Plaintiff,

VS.

OPINION & ORDER [Resolving Doc. 1]

NANCY A. BERRYHILL, Acting Commissioner of Social Security,

Defendant.

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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Jeffrey Coleman brings claims for wrongful denial of Period of Disability,
Disability Insurance Benefits, and Supplemental Security Income.<sup>1</sup>

On December 21, 2012, Administrative Law Judge Sara L. Alston held a hearing on Coleman's benefits application.<sup>2</sup> The ALJ found that Plaintiff Coleman was not disabled and denied the application.<sup>3</sup> On March 5, 2014, the Appeals Council remanded for further proceedings because the hearing decision did not account for Coleman's mental impairments in its Residual Functional Capacity (RFC) Assessment and failed to evaluate Coleman's obesity.<sup>4</sup>

On June 6, 2014, Administrative Law Judge Penny Loucas held a second hearing.<sup>5</sup> The ALJ found that Plaintiff Coleman was not disabled and denied the application.<sup>6</sup> The ALJ's decision became final on February 19, 2016, when the Appeals Council declined further review.<sup>7</sup>

<sup>&</sup>lt;sup>1</sup> Doc. <u>1</u>.

<sup>&</sup>lt;sup>2</sup> Doc. 9 at 49-109.

<sup>&</sup>lt;sup>3</sup> Id. at 172.

<sup>&</sup>lt;sup>4</sup> Id. at 191-94.

<sup>&</sup>lt;sup>5</sup> Id. at 21-48.

<sup>&</sup>lt;sup>6</sup> Id. at 195-212.

<sup>&</sup>lt;sup>7</sup> Id. at 5-9.

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Gwin, J.

On February 17, 2017, Magistrate Judge Jonathan D. Greenberg issued a Report and

Recommendation recommending that this Court affirm the Administrative Law Judge's denial of

benefits. The parties have failed to file objections by the deadline, March 3, 2017.

The Federal Magistrates Act requires a district court to conduct a de novo review only of

those portions of a Report and Recommendation to which the parties have made an objection.<sup>9</sup>

Absent objection, a district court may adopt the Magistrate Judge's report without review.<sup>10</sup>

Moreover, having conducted its own review of the complaint and administrative record, the Court

agrees with the conclusions of the Magistrate Judge.

Accordingly, the Court ADOPTS Magistrate Judge Greenberg's findings of fact and

conclusions of law and incorporates them fully herein by reference. This Court ADOPTS the

recommendation of the Magistrate Judge and AFFIRMS the ALJ's denial of benefits.

IT IS SO ORDERED.

Dated: March 31, 2017

James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

<sup>8</sup> Doc. 13 at 1.

<sup>9</sup> 28 U.S.C. § 636(b)(1).

<sup>10</sup> Thomas v. Arn, 474 U.S. 140, 149 (1985).

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