

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|--------------------------|---|---------------------------|
| NAFEEHA MAJEED, |) | Case No.: 1:16 CV 2519 |
| |) | |
| Plaintiff |) | JUDGE SOLOMON OLIVER, JR. |
| |) | |
| v. |) | |
| |) | |
| COMMISSIONER OF SOCIAL |) | |
| SECURITY ADMINISTRATION, |) | |
| |) | |
| Defendant |) | <u>ORDER</u> |

The Commissioner of Social Security Administration (“Commissioner”) denied disability benefits and supplemental security income to Plaintiff Nafeeha Majeed (“Plaintiff” or “Ms. Majeed”), in the above-captioned case. Plaintiff’s application alleged that she was disabled due to heart complications, anxiety, and depression. Plaintiff sought judicial review of the Commissioner’s decision, and this court referred the case to Magistrate Judge David A. Ruiz (“Magistrate Judge” or “Judge Ruiz”) for preparation of a Report and Recommendation (“R & R”). Both parties submitted briefs on the merits. Plaintiff requested an order reversing the Commissioner’s decision on the basis that the Administrative Law Judge’s (“ALJ”) determination at Step Five of the Sequential Evaluation, that Ms. Majeed had residual functional capacity to perform light work, was not supported by substantial evidence. Ms. Majeed contended that the ALJ erred by failing to fully and fairly evaluate the medical record involving her emotional and physical impairments, as well as by failing to assign appropriate weight to the opinion evidence from the consultative examiner (Dr.

Mitchell Wax) and treating therapist (Meagan Ray-Novak, LISW). Ms. Majeed also challenged the ALJ's finding at Step Three of the Sequential Evaluation that Ms. Majeed's impairment did not meet or medically equal one of the impairments listed in 20 C.F.R. Pt. 404, subpt. P, App. 1 ("paragraph B criteria"). Plaintiff concluded by arguing that the ALJ committed procedural error by failing to re-open her first application. The Commissioner sought final judgment upholding the decision below.

Judge Ruiz submitted his R & R (ECF No. 13) on October 12, 2017, concluding that the court should affirm the Commissioner's final decision. Specifically, Judge Ruiz rejected Ms. Majeed's assertion that the Commissioner ignored medical records that were favorable to her, finding that the ALJ's decision can reasonably be described as weighing the evidence. (R & R at 13-17.) Judge Ruiz also found that the ALJ's decision regarding the weight of opinion evidence was supported by substantial evidence. (*Id.* at 23-27.) The Magistrate Judge noted that the "good reasons" requirement does not apply to the opinions of Dr. Wax, a one-time examining psychologist, and Ms. Ray-Novak, a non-medical source. (*Id.* at 26.) Finally, the Magistrate Judge found that the ALJ provided substantial evidence to support his findings regarding the paragraph B criteria, and that judicial review of the refusal to re-open a claim was not authorized under these circumstances. (*Id.* at 19-23; 27-28.) As of the date of this Order, Plaintiff has not filed objections to the Magistrate Judge's R & R. By failing to file objections, Plaintiff has waived the right to appeal the Magistrate Judge's recommendation. *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The court also finds, after careful *de novo* review of the Magistrate Judge's R & R and all other relevant documents in the record, that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own Judge Ruiz's Report

and Recommendation (ECF No. 13). The court hereby affirms the Commissioner's final decision.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

November 29, 2017