

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SANDRA WODZINSKI,)	CASE NO. 1:19- CV-01671
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
vs.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
SOCIAL SECURITY)	
ADMINISTRATION,)	
)	
Defendant.)	

This case is before the Court on the Report and Recommendation of Magistrate Judge Carmen E. Henderson. (Doc # 19 (“R&R”). Magistrate Judge Henderson recommends that the Court affirm the final decision of the Defendant Commissioner of Social Security denying Plaintiff Sandra Wodzinski’s application for Disability Insurance Benefits. Wodzinski has filed objections to the R&R. (Doc # 20 (“Objections”). Having reviewed the R&R, the Objections thereto, and the record, the Court adopts the R&R, affirms the Administrative Law Judge’s (“ALJ”) decision denying benefits, and dismisses the case.

I.

In the Objections, Plaintiff argues generally that the ALJ’s decision did not contain a fair and accurate assessment of her specific mental limitations. In particular, she objects to the Magistrate’s conclusion affirming the ALJ’s ruling on two issues: (1) whether the ALJ erred in rejecting the opinion of the consultative examiner, Dr. Misja, and his finding that Plaintiff would

have difficulty showing up for work and performing adequately; and (2) whether the ALJ erred in discounting the opinion of nurse practitioner, Ms. Schulte-Laird, regarding off-task behavior, absenteeism, and inability to complete a normal work day or work week. The Court finds the ALJ's decision was supported by substantial evidence that a reasonable person would accept as adequate to support a conclusion. *Rogers v. Comm'r of Soc. Sec.*, 486 F.3d 234, 241 (6th Cir. 2007).

First, the Magistrate Judge found the ALJ reasonably discounted as inconsistent with the objective evidence Dr. Misja's opinion that Plaintiff would face challenges showing up to work and performing adequately. The Court does not discredit Plaintiff's emotional lability, and recognizes that she has "consistently appeared emotional and tearful during follow-up visits after her surgery." (Tr. 38). However, Dr. Misja's opinion is inconsistent with other medical evidence in the record suggesting that Plaintiff's symptoms improve when she is medication- and therapy-compliant—and a reasonable person could find that Plaintiff's lability, although disheartening, is insufficient to conclude she is unable to engage in sustained and competitive employment. The Court overrules this objection.

Next, the Magistrate Judge found the ALJ reasonably discounted the opinions of Ms. Schulte-Laird regarding Plaintiff's marked and extreme limitations as inconsistent with her own treatment notes showing Plaintiff's progress over a five-month period. See R&R at 7-8. When viewing the record as a whole, medical opinions should be evaluated for consistency. *See* 20 C.F.R. § 404.1527(c)(4). Because Schulte-Laird's opinions and treatment notes are inconsistent, reasonable minds could agree that such findings are insufficient to conclude Plaintiff cannot engage in competitive employment. The Court overrules this objection.

II.

The Court notes that this case presents a close call. However, the undersigned cannot say the ALJ's rulings on these two issues are *not* supported by substantial evidence, which is a relatively low bar. *Rogers*, 486 F.3d at 241; *Sanders v. Astrue*, No. 3:07 CV 432, 2008 WL 4925801 at *1 (S.D. Ohio Nov. 14, 2008) (“Substantial evidence is more than a mere scintilla but only so much as would be required to prevent . . . judgment as a matter of law against the Commissioner if the case were being tried to a jury.”)

Accordingly, the Court hereby **ADOPTS** the R&R (**Doc #: 19**), **OVERRULES** the Objections (**Doc #: 20**), and **DISMISSES** this case.

IT IS SO ORDERED.

/s/ Dan A. Polster October 9, 2020
Dan Aaron Polster
United States District Judge