UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DAVID W. STONE,	:	
	:	No. 1:09-CV-49
Plaintiff,	:	
	:	
vs.	:	**OPINION AND ORDER**
	:	
COMMISSIONER OF SOCIAL SECURITY,	:	
	:	
Defendant.		

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 11), to which no objections were filed.

I. Background

Plaintiff filed an application for Disability Insurance Benefits ("DIB") in September of 2005, alleging a disability due to back pain and stress. (Id.). Defendant denied this application both initially and on reconsideration. (Id.). Plaintiff requested and was granted an evidentiary hearing before an Administrative Law Judge ("ALJ") at which he was represented by council. (Id.). The ALJ denied Plaintiff's claim in September 2008, and Plaintiff requested review by the Appeals Council, which denied his appeal. (Id.). Plaintiff then timely filed his complaint with this Court in January 2009. (doc. 3).

In appealing the ALJ's decision, Plaintiff alleged that the ALJ erred in failing to give controlling weight to the opinions of Plaintiff's treating physicians and in evaluating Plaintiff's

pain, credibility, and subjective complaints. (doc. 11).

II. The Magistrate Judge's Report and Recommendation (doc. 11)

The Magistrate Judge thoroughly reviewed the record in order to determine whether the ALJ's decision was supported by substantial evidence as required by 42 U.S.C. § 405(g). (Id.) The Magistrate Judge found that the ALJ's decision to give little weight to the treating physicians' opinions was supported by substantial evidence because the opinions were "inconsistent with the other substantial evidence in [the] case record," not "well-supported by medically acceptable clinical and laboratory diagnostic techniques," and because the opinions were not sufficiently substantiated by medical data. (Id., quoting Wilson v. Comm'r of Soc. Sec., 378 F.3d 541, 546 (6th Cir. 2004)). The Magistrate Judge also found that the ALJ's conclusions as to the Plaintiff's pain, credibility and subjective complaints were decided "in accordance with controlling law, and [reasonable]." (Id.). Because the ALJ's determinations of credibility should be afforded great deference, the Magistrate Judge recommends that the ALJ'S finding be affirmed. (Id. Citing Jones v. Comm'r of Soc. Sec., 336 F.3d 469, 476 (6th Cir. 2003)).

III. Discussion

The parties were served with the Magistrate Judge's Report and Recommendation and were therefore afforded proper notice of the Magistrate Judge's Report and Recommendation as required by

28 U.S.C. § 636(b)(1)(C), including the notice that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Neither party filed any objections thereto within the time frame provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C). When no objections have been filed, the Court need only satisfy itself that there is no clear error on the face of the record in order to accept the Magistrate Judge's recommendation. See Advisory Committee Notes to Fed. R. Civ. P. 72; Thomas v. Arn, 474 U.S. 140, 150(1985)("It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under de novo or any other standard, when neither party objects to those findings").

IV. Conclusion

Having reviewed this matter pursuant to 28 U.S.C. §636(b), the Court finds no clear error on the face of the record and further finds the Magistrate Judge's Report and Recommendation well-reasoned, thorough, and correct. Accordingly, the Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety (doc. 11), AFFIRMS the decision of the Commissioner, which is supported by substantial evidence, and DISMISSES this case from the docket.

SO ORDERED.

Dated: June 9, 2010

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge