

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Annette Boner-Clark,)	
)	
Plaintiff,)	Case No. 1:15-CV-13
)	
vs.)	
)	
Carolyn W. Colvin,)	
Acting Commissioner of)	
Social Security,)	
)	
Defendant.)	

ORDER

This matter is before the Court on Magistrate Judge Bowman’s Report and Recommendation of February 8, 2016 (Doc. No. 12) and Plaintiff Annette Boner-Clark’s objections to the Report and Recommendation. Doc. No. 13. In her report, Judge Bowman concluded that the Administrative Law Judge’s (“ALJ”) decision finding that Plaintiff is not disabled under the Social Security regulations because she has the residual functional capacity to perform several jobs that exist in significant numbers in the national economy was supported by substantial evidence. Judge Bowman recommended that the ALJ’s decision be affirmed and the case be closed on the docket of the Court. Upon de novo review of Magistrate Judge Bowman’s Report and Recommendation, the Court agrees that the ALJ’s decision finding that Plaintiff is not disabled under the Social Security regulations was supported by substantial evidence. Fed. R. Civ. P. 72(b).

The ALJ’s decision not to give controlling weight, or even significant weight, to the disability opinions of Plaintiff’s treating psychologist and Plaintiff’s treating physician was supported by substantial evidence. As both the ALJ and Magistrate Judge Bowman

concluded, Dr. Spadafora's opinion that Plaintiff would miss at least four days of work each month due to disabling anxiety attacks is not supported by her office treatment notes, which are largely illegible and, according to the Social Security Administration's medical expert, not in conformity with current standards of practice. Moreover, Dr. Spadafora's disability opinion is inconsistent with the Global Assessment of Functioning ("GAF") scores she assigned to Plaintiff indicating that she has only moderate limitations in mental functioning. See Tr. 857, 870, 1114, 1025; Payne v. Commissioner of Social Sec., 402 Fed. Appx. 109, 113-14 (6th Cir. 2010)(ALJ may reject treating physician's opinion that is not supported by and/or is inconsistent with his own office treatment notes).

Similarly, the opinion of Dr. Walker, Plaintiff's treating physician, indicating that Plaintiff has significant restrictions in sitting, standing, and walking is not supported by her office treatment notes and appears to be based largely, if not wholly, on Plaintiff's subjective complaints about her functional limitations. Tr. 1125-1129; Poe v. Commissioner of Soc. Sec., 342 Fed. Appx. 149, 156 (6th Cir. 2009) (ALJ may reject treating physician's opinion when it is based on the claimant's subjective complaints). Moreover, Dr. Walker failed to identify the clinical findings that supported her opinion. Tr.1125; Bogle v. Sullivan, 998 F.2d 342, 347-48 (6th Cir. 1993) (treating physicians' opinions are entitled to "great weight only if they are supported by sufficient clinical findings and are consistent with the evidence").

The ALJ's adverse credibility determination was supported by substantial evidence for all of the reasons explained by Judge Bowman in her report. Doc. No. 12. at 17-20.

Finally, the ALJ did not make a vocational error in her hypothetical to the vocational expert because she was only required to include those limitations she found credible and

supported by the evidence. Casey v. Secretary of Health & Human Serv., 987 F.2d 1230, 1235 (6th Cir. 1993).

Accordingly, Plaintiff's objections to the Report and Recommendation are not well-taken and are **OVERRULED**. The Court **ADOPTS** the Report and Recommendation. The decision of the ALJ finding that Plaintiff is not disabled under the Social Security regulations is **AFFIRMED. THIS CASE IS CLOSED.**

IT IS SO ORDERED

Date March 8, 2016

s/Sandra S. Beckwith
Sandra S. Beckwith
Senior United States District Judge