

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

APLONDA R. MURPY,

:

Plaintiff,

:

Case No. 2:13-CV-730

v.

:

JUDGE ALGENON L. MARBLEY

**CAROLYN W. COLVIN,
COMMISSIONER OF SOCIAL
SECURITY,**

:

Magistrate Judge Kemp

:

:

:

:

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation of the United States Magistrate Judge recommending that the decision of the Commissioner of Social Security be affirmed. (Doc. 18.). Movants were advised of their right to object to the Report and Recommendation and of the consequences of their failure to do so. Nevertheless, there has been no objection.

While Plaintiff addressed substantial evidence in her Statement of Errors (Doc. 11) and her Reply Brief (Doc. 17) to support a disability finding different than the Administrative Law Judge’s finding, Plaintiff did not prove why the Administrative Law Judge’s finding was unsupported by substantial evidence, in accordance with the standard of review. 42 U.S.C. § 405(g) (“The findings of the Commissioner of Social Security as to any fact, if supported by substantial evidence, shall be conclusive”); *Buxton v. Halter, Comm’r of Soc. Sec.*, 246 F.3d 762 (6th Cir. 2001) (“The findings of the Commissioner are not subject to reversal merely because there exists in the record substantial evidence to support a different conclusion.”). The ALJ’s decision is supported by substantial evidence, and no argument is raised to the contrary, so the Magistrate Judge’s Report and Recommendation is affirmed.

This Court also disapproves of the ALJ's use of a non-expert handwriting examination to discredit Dr. Lee's report. As the Magistrate Judge noted, however, other substantial evidence in the record corroborated and even provided more probative evidence than Dr. Lee's report, and therefore the ALJ's dismissal of Dr. Lee's report is harmless error.

The Court therefore **ADOPTS** the Magistrate Judge's Report and Recommendation and **AFFIRMS** the Commissioner's decision. This case is hereby **DISMISSED**.

IT IS SO ORDERED.

s/ Algenon L. Marbley
Algenon L. Marbley
United States District Judge

Dated: March 4, 2014