

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

YOKASTA FIGUEROO,

Plaintiff,

v.

Case No. 2:20-cv-1992

Judge Sarah D. Morrison

Magistrate Judge Vascura

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

OPINION AND ORDER

This matter is before the Court for consideration of the Objections filed by the Plaintiff Yokasta Figuerero (ECF No. 25) to the Report and Recommendation of the Magistrate Judge (ECF No. 24) recommending that the decision of the Commissioner of the Social Security Commissioner denying benefits be affirmed.

Plaintiff protests that the Magistrate Judge did not specifically address two aspects of her argument regarding the ALJ's decision to forgo giving Dr. Cruzado's treating source opinion controlling weight—Plaintiff's type 2 diabetes and gluteal tendinopathy. (ECF No. 25, PageID 809.) Tasked with determining whether the ALJ's decision was supported by substantial evidence, the Magistrate Judge answered in the affirmative while providing record citations supporting her determination. Simply because the R&R does not explicitly mention the two conditions does not mean that Magistrate Judge did not consider them; rather, she found substantial evidence supporting the ALJ's decision elsewhere in the record.

Plaintiff's final objection is that the Magistrate Judge "missed the main thrust of Plaintiff's argument that the evidence cited by the ALJ did not amount to substantial evidence within the context of the record" (ECF No. 25, PageID 810.) The Magistrate Judge missed nothing; instead, she disagreed with that argument and provided competent and correct analysis in support of her conclusion.

Pursuant to Rule 72(b) of the Federal Rules of Civil Procedure, after a *de novo* and careful determination of the record, the Court concludes that the decision of the Commissioner "is supported by substantial evidence and was made pursuant to proper legal standards." *Rogers v. Comm'r of Soc. Sec.*, 486 F. 3d 234, 241 (6th Cir. 2007). The issues raised in the Plaintiff's Objections have been considered and correctly addressed by the Magistrate Judge. Plaintiff's Objections (ECF No. 25) are **OVERRULED**.

The Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. (ECF No. 24.) The decision of the Commissioner denying disability benefits in this case is **AFFIRMED**. The Clerk shall **TERMINATE** this case from the Court's docket and enter judgment accordingly.

IT IS SO ORDERED.

/s/Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE