

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DEBORAH LOUISE MARTIN,)	
)	
Plaintiff,)	
vs.)	NO. CIV-10-0051-HE
)	
MICHAEL J. ASTRUE, Commissioner)	
of the Social Security Administration,)	
)	
Defendant.)	

ORDER

Plaintiff Deborah Louise Martin filed this case seeking judicial review of the final decision of the Commissioner of the Social Security Administration (“Commissioner”) denying her application for disability insurance benefits and supplemental security income benefits. Pursuant to 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Robert E. Bacharach, who recommended that the Commissioner’s decision be affirmed. Martin filed an objection to the Report and Recommendation, reasserting her argument that the medical opinions of her treating physicians—Dr. Abdul Siddiqui and Dr. Jaswinder Grover—confirm her pain problems and her inability to meet the demands of full-time work.¹

Martin filed her application for benefits in August 2006, and, when it was denied initially and on reconsideration, she requested a hearing before an ALJ. After the hearing, the ALJ issued his decision concluding that Martin was not disabled. When the Appeals Council denied Martin’s request for review, the ALJ’s decision became the final decision of

¹*The administrative law judge (“ALJ”) found plaintiff had the capacity to perform sedentary work. [Tr. 16-17].*


the Commissioner.

Plaintiff continues to assert the ALJ should have given greater weight to the opinions of her treating physicians,² which, she claims, are proof of her inability to perform her past work.³ Having given Martin's objections *de novo* review, the court agrees with the magistrate judge that the ALJ properly evaluated the medical opinions of plaintiff's treating physicians. [Tr. 17-18]. As the magistrate noted, it is not the court's function to "reweigh the evidence or substitute its judgment for that of the agency." Report and Recommendation [Doc. #14, p.2] (citing Hamilton v. Sec'y of Health & Human Servs., 961 F.2d 1495, 1498 (10th Cir. 1992)).

The court, having reviewed the record and considered plaintiff's arguments, agrees with the magistrate judge's analysis and adopts his Report and Recommendation. Accordingly, the Commissioner's decision is **AFFIRMED**.

IT IS SO ORDERED.

Dated this 14th day of February, 2011.



JOE HEATON
UNITED STATES DISTRICT JUDGE

²Plaintiff originally complained that the ALJ erred by failing to give controlling weight to Dr. Siddiqui's opinion that a disability existed. However, "[a] treating source's opinion on the existence of a disability is not entitled to controlling weight because the issue is reserved for the Commissioner." Report and Recommendation [Doc. #14]

³The record indicates her past work included working as a telephone solicitor and as an appointment clerk. See Plaintiff's Objections [Doc. #16].