

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

JASON WINICK,)
Plaintiff,)
vs.) No. CIV-14-116-C
CAROLYN W. COLVIN, Acting)
Commissioner of Social Security)
Administration,)
Defendant.)

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for judicial review of the Commissioner’s denial of disability insurance benefits was referred for initial proceedings to United States Magistrate Judge Charles B. Goodwin, consistent with 28 U.S.C. § 636(b)(1)(B). Judge Goodwin entered a Report and Recommendation (“R&R”) on July 28, 2015, recommending that the decision of the Commissioner be affirmed. Plaintiff, through counsel and pro se timely, filed an objection to this R&R, and the Court therefore considers the matter de novo.

In his thorough and well-reasoned Report and Recommendation, Judge Goodwin sets out the relevant facts and prevailing law, and no purpose would be served in repeating those here. In objection, Plaintiff, with one exception, merely restates earlier arguments which are, for the reasons stated by Judge Goodwin, without merit.

The sole exception is Plaintiff’s argument that the ALJ failed to properly consider the evidence that he has been awarded benefits from the United States Department of Veteran’s Affairs (“VA”) based on disability. In his pro se objection, Plaintiff argues the ALJ failed

to properly account for this fact in determining Plaintiff's residual functional capacity. After review of the record, the Court finds the ALJ adequately addressed this issue. The ALJ clearly stated he was aware of the VA's determination and factored it into his decision. The Court rejects Plaintiff's argument that more was required.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 13), and for the reasons stated therein, the decision of the Commissioner is affirmed. A judgment will enter accordingly.

IT IS SO ORDERED this 26th day of January, 2016.


ROBIN J. CAUTHRON
United States District Judge