

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

MICHAEL CUMMINGS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-14-539-L
	)	
CAROLYN W. COLVIN, acting	)	
Commissioner Social Security	)	
Administration,	)	
	)	
Defendant.	)	

**ORDER**

On June 4, 2015, Magistrate Judge Suzanne Mitchell entered a Report and Recommendation in this action brought by plaintiff Michael Cummings pursuant to 42 U.S.C. §405(g) for judicial review of the defendant acting Commissioner of the Social Security Administration’s (Commissioner’s) final decision denying plaintiff’s applications for disability insurance and supplemental security income under the Social Security Act. The Magistrate Judge recommended that the Commissioner’s decision be affirmed.

The court file reflects that plaintiff timely filed her Objection to the Report and Recommendation of the Magistrate, which the court has carefully considered. Also, the Commissioner filed a reply brief which has been reviewed. Plaintiff’s objections focus on alleged errors of law or fact in the Report and Recommendation. Upon *de novo* review, however, the court finds that the Report and Recommendation should be and is hereby adopted in its

entirety. The Magistrate Judge properly found that the ALJ did not abuse her discretion in failing to recontact plaintiff's treating physician or order a consultative examination. The Magistrate Judge properly concluded that the ALJ did not commit reversible error with respect to her weighing of the medical opinions. The court rejects plaintiff's argument that the Magistrate engaged in *post hoc* justification of the ALJ's credibility findings since the court agrees with the broader conclusion of the Magistrate Judge that the ALJ's findings regarding credibility were well supported by the record. Upon review, the court finds that plaintiff's objections are insufficient to justify overturning the conclusions of the Magistrate Judge in this matter.

Thus, upon *de novo* review, the court finds that the the Report and Recommendation should be and is hereby adopted in its entirety. Accordingly, the decision of the Commissioner to deny plaintiff's applications for disability insurance and supplemental security income under the Social Security Act is **AFFIRMED.**

It is so ordered this 29th day of June, 2015.

  
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TIM LEONARD  
United States District Judge