

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

TRICIA PARROTT-BURNEY,)	
)	
Plaintiff,)	
vs.)	NO. CIV-14-1286-HE
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	

ORDER

Plaintiff Tricia Parrott-Burney filed this action seeking judicial review of the final decision of the Acting Commissioner of the Social Security Administration (“Commissioner”) denying her applications for disability insurance benefits and supplemental security income. Consistent with 28 U.S.C. § 636(b)(1)(B), (b)(3) and Fed.R.Civ.P.72(b), the case was referred to Magistrate Judge Suzanne Mitchell, who issued a Report and Recommendation recommending that the Commissioner’s decision be affirmed.

Plaintiff filed her applications on August 4, 2011. When they were denied initially and on reconsideration, she requested a hearing before an Administrative Law Judge (“ALJ”). After a hearing, the ALJ issued an unfavorable decision on February 20, 2014. When the Appeals Council denied plaintiff’s request for review, the ALJ’s decision became the final decision of the Commissioner.

On appeal plaintiff claimed the Commissioner’s decision was not supported by substantial evidence because the ALJ violated the treating physician rule by failing to

provide specific and legitimate reasons for rejecting the medical opinion of a treating physician, Dr. Al-Khoury, and because the ALJ erred in evaluating plaintiff's pain when determining her residual functional capacity. In a well-reasoned Report and Recommendation, the magistrate judge rejected both arguments, which plaintiff reurges in her objection.

Having given the matter *de novo* review, the court concurs with the magistrate judge's analysis. The magistrate judge noted that the physician's opinions regarding plaintiff's limitations "cannot be reconciled with what were his largely normal findings while Plaintiff was under his care for pharmacological management." Doc. #21, p. 11. She also noted that contrary to plaintiff's assertion, the ALJ had considered the factors listed in 20 C.F.R. §404.1529 when she assessed plaintiff's credibility.

Accordingly, the court adopts Magistrate Judge Mitchell's Report and Recommendation. The Commissioner's decision is **AFFIRMED**.

IT IS SO ORDERED.

Dated this 12th day of November, 2015.



JOE HEATON
UNITED STATES DISTRICT JUDGE