



at step four, that plaintiff was capable of performing her past relevant work and was therefore was not disabled. That determination was affirmed by the appeals council and plaintiff then commenced this proceeding for judicial review.

Plaintiff's objections to the Report are perfunctory and offer little beyond disagreement with the Report's conclusions. She continues to assert that the ALJ did not give proper weight to the opinions of her treating or other physicians, but totally ignores the Report's conclusion that the medical information she relies on does not arise to the status of a "medical opinion" within the meaning of the applicable rule. She asserts that the ALJ "failed to consider the complexity and the lengths of her medical treatments ...." To the contrary, the ALJ's opinion reflects substantial discussion and analysis of the nature of her medical treatments.

Plaintiff also objects to the Report's conclusion that the ALJ made a sufficient credibility assessment and explanation. Specifically, she asserts the conclusion was wrong because the ALJ did not discredit her assessment that she was never pain-free. But the ALJ did not purport to conclude that plaintiff was actually pain-free and there was no need for him to do so. Rather, the ALJ simply concluded the plaintiff's subjective assessments of her pain were inconsistent with the medical evidence and explained the basis for that conclusion.


Plaintiff also objects to the ALJ's reference to the inconsistency between plaintiff's admitted ability to drive for 90 minutes with her claimed inability to sit for 30 minutes without having to switch positions, noting that the actual number she testified to was 75 not 90. But as plaintiff's objection acknowledges, that difference is "minor in nature" and

does not undercut what is otherwise a sufficient credibility assessment. “Credibility determinations are peculiarly the province of the finder of fact, and [courts] will not upset such determinations when they are supported by substantial evidence.” Wilson v. Astrue, 602 F.3d 1136, 1144 (10th Cir. 2010) (quoting Kepler v. Chater, 68 F.3d 387, 391 (10th Cir. 1995)). Substantial evidence to support the ALJ’s determination is present here.

For substantially the reasons stated in the Report, the Report [Doc. #21] is **ADOPTED** and the judgment of the Commissioner is **AFFIRMED**.

**IT IS SO ORDERED.**

Dated this 10th day of April, 2018.

  
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JOE HEATON  
CHIEF U.S. DISTRICT JUDGE