

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

NANCY MOREY,

Plaintiff,

Civ. No. 07-3095-CL

v.

MICHAEL J. ASTRUE, Commissioner,
Social Security Administration,

Defendant.

ORDER

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff has filed objections. I have given the file of this case de novo review. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

Plaintiff objects, arguing that the hypothetical question submitted to the vocational expert improperly omitted some of plaintiff's limitations. I agree with Judge Clarke that the ALJ's failure to include limitations in memory and concentration


was harmless because the ALJ did include the limitation of no detailed tasks or instructions, and the vocational expert testified that the jobs she identified could be performed by a person with moderate limitations in understanding, memory, and concentration. I find no error in the Report and Recommendation.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#16) is adopted. The decision of the Commissioner is affirmed.

IT IS SO ORDERED.

DATED this 14 day of January, 2009.


OWEN M. PANNER
U.S. DISTRICT JUDGE