

FILED 10 JUN 23 15:36 USDC-ORP

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

**CHARLOTTE CORDRAY,**

**08-CV-1386-JE**

**Plaintiff,**

**ORDER**

**v.**

**MICHAEL J. ASTRUE,  
Commissioner, Social Security  
Administration,**

**Defendant.**

**MARTIN R. COHEN**  
4040 Douglas Way  
P.O. Box 1229  
Lake Oswego, OR 97035  
(503) 635-5805

**LINDA S. ZISKIN**  
Ziskin Law Office  
PO Box 2237  
Lake Oswego, OR 97035  
(503) 889-0472

Attorneys for Plaintiff

**DWIGHT HOLTON**

United States Attorney

**ADRIAN L. BROWN**

Assistant United States Attorney  
1000 S.W. Third Avenue, Suite 600  
Portland, OR 97204  
(503) 727-1000

**DAVID MORADO**

Regional Chief Counsel  
Social Security Administration

**MICHAEL S. HOWARD**

Special Assistant United States Attorney  
Social Security Administration  
701 5<sup>th</sup> Avenue, Suite 2900, M/S 901  
Seattle, WA 98104  
(206) 615-2240

Attorneys for Defendant

**BROWN, Judge.**

Magistrate Judge John Jelderks issued Findings and Recommendation (#26) on March 3, 2010, in which he recommends the Court affirm the Commissioner's decision denying Plaintiff's application for and disability insurance benefits (DIB) and dismiss this matter with prejudice.

In Plaintiff's Complaint, she requests judicial review of the Commissioner's decision denying her applications for supplemental security income (SSI) and DIB. In her Brief, Plaintiff requests judicial review of the Commissioner's decision denying her application for DIB. In Defendant's Response, they assert Plaintiff seeks judicial review of the Commissioner's decision denying her applications for SSI and DIB.

In his decision, the ALJ refers to Plaintiff's application

for DIB and then notes the issue before him is whether Plaintiff is "entitled to . . . [DIB] and eligible for [SSI] payments." Tr. 14. The administrative record also reflects Plaintiff applied for and was denied both DIB and SSI. Tr. 46, 47. In the Findings and Recommendation, the Magistrate Judge's analysis clearly applies to whether the Commissioner erred when he denied Plaintiff's applications for both DIB and SSI. Thus, the Court finds the Magistrate Judge's reference to only DIB benefits in the conclusion of the Findings and Recommendation was a clerical error. Accordingly, the Court reviews the Findings and Recommendation as one affirming the Commissioner's denial of Plaintiff's applications for both DIB and SSI.

Plaintiff filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003) (*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988).

In her Objections, Plaintiff reiterates the arguments contained in her opening Brief and Reply. This Court has reviewed the record *de novo*, including Plaintiff's Objections.

The Court concludes the Administrative Law Judge provided legally sufficient reasons supported by substantial evidence in the record for his determination, and, therefore, Plaintiff's Objections do not provide a basis to modify the Magistrate Judge's Findings and Recommendation.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#26). Accordingly, the Court **AFFIRMS** the Commissioner's decision and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 23<sup>rd</sup> day of June, 2010.



---

ANNA J. BROWN  
United States District Judge