

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN W. KICHMAN,
Plaintiff

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No. 1:15-cv-957

(Judge Kane)
(Magistrate Judge Cohn)

CAROLYN W. COLVIN,
Commissioner of the Social Security
Administration,
Defendant

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On January 21, 2011, Plaintiff John W. Kichman filed an application for a period of disability and disability insurance benefits under the Social Security Act, 42 U.S.C. §§ 401 et seq. (Id.) Plaintiff’s claim was initially denied on April 12, 2011, and Plaintiff requested a hearing on April 18, 2011. (Doc. No. 10-3 at 26.) On September 25, 2012, Administrative Judge Sharon Zanotto (“ALJ”) found that Plaintiff was not disabled under the Social Security Act. (Id. at 26, 37.) The Appeals Council subsequently vacated the decision and remanded the case on November 15, 2013. (Doc. No. 10-3 at 45-47.) On July 3, 2014, the ALJ again concluded that Plaintiff was not disabled and denied his application for a period of disability and disability insurance benefits. (Doc. No. 10-2 at 31.) On March 17, 2015, the Appeals Council denied Plaintiff’s request for review of the ALJ’s decision. (Id. at 2-5, 7.)

On May 15, 2015, Plaintiff Kichman filed a complaint against Defendant Carolyn W. Colvin, Commissioner of Social Security Administration, appealing the March 17, 2015 final decision denying his claims for benefits. (Doc. No. 1.) Before the Court is the Report and Recommendation of Magistrate Judge Cohn, recommending that Plaintiff’s appeal be denied. (Doc. No. 20.) In his Report and Recommendation, Magistrate Judge Cohn found that “the ALJ

made the required specific findings of fact in determining whether Plaintiff met the criteria for disability, and the findings were supported by substantial evidence.” (Doc. No. 20 at 59.)

On January 11, 2017 Plaintiff filed objections to the Report and Recommendation (Doc. No. 21), and Defendant filed a response on January 25, 2017 (Doc. No. 22). In his objections, Plaintiff argues that: (1) the ALJ erroneously assigned limited weight to the Department of Veterans Affairs’ (“VA”) disability determination; (2) the ALJ’s residual functional capacity assessment is not supported by substantial evidence; and (3) the ALJ erred by finding three impairments to be non-severe. (Doc. No. 21.) The Court finds that Magistrate Judge Cohn correctly and comprehensively addressed the substance of Plaintiff’s objections in the Report and Recommendation. (Doc. No. 20); see, e.g., McCleary v. Colvin, 187 F. Supp. 3d 497, 535, 542-43 (M.D. Pa. 2016) (Jones, J.). The Court will not write separately to address Plaintiff’s objections.

ACCORDINGLY, upon independent review of the record and applicable law, on this 27th day of January 2017, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Cohn’s Report and Recommendation (Doc. No. 20), is **ADOPTED**;
2. Plaintiff John W. Kichman’s appeal (Doc. No. 1), is **DENIED**, as the ALJ’s decision is supported by substantial evidence; and
3. The Clerk of Court is directed to close the above-captioned case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania