THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LORI ANN SPALLONE	:	
	:	
Plaintiff,	:	
v.	:	**3:17-CV-1152**
	:	**(JUDGE MARIANI)**
NANCY BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY,	:	
	:	
Defendant.	:	

ORDER

AND NOW, THIS 8th **DAY OF JUNE, 2018**, upon *de novo* review of Magistrate Judge Carlson's Report & Recommendation ("R&R") (Doc. 17), Plaintiff's Objections thereto (Doc. 18), Defendant's Response (Doc. 19), and all other supporting and opposing briefs and documentation, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 17) is **ADOPTED** for the reasons discussed therein.
2. Plaintiff's Objections (Doc. 18) are **OVERRULED**. Plaintiff argues that "[t]he ALJ failed to provide controlling weight to Dr. Bosi's opinion." In support of this argument, Plaintiff repeatedly asserts that the Magistrate Judge erred in determining that the ALJ properly rejected Dr. Bosi's opinion and was entitled to give more weight to the medical opinions of "a non-examining State agency" physician. (Doc. 18, at 1-2; *see also*, *id.* at 3, 6). This argument grossly mischaracterizes the Magistrate Judge's analysis. Magistrate Judge Carlson did

not limit his analysis of the ALJ's decision to the opinions of the "non-examining State agency" physician, but rather noted that the ALJ relied both on the state agency doctor and Spallone's *treating psychiatrist* in making her decision, and "cogently explained" her reasons for doing so. (*See* Doc. 17, at 27). Further, upon review of the ALJ's decision, the ALJ only afforded the opinion of the state agency physician "partial weight" (Tr. at 29). Instead, the ALJ afforded the opinion of Dr. Baxi, Plaintiff's treating psychiatrist, "great weight". (*Id.* at 30). Plaintiff fails to explain why the ALJ erred in affording Dr. Baxi's opinion more weight than that of Dr. Bosi, whom the ALJ noted was not a psychiatrist and whose opinion was "not consistent with the record as a whole." (*Id.* at 29-30).

3. Plaintiff's Appeal is **DENIED**.
4. The Commissioner of Social Security's decision is **AFFIRMED**.
5. The Clerk of Court is directed to **CLOSE** this case.

Robert D. Mariani
United States District Judge