

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JESSICA W. EMERICK,)
)
Plaintiff,)
)
v.) Civil Action No. 14-187
)
CAROLYN W. COLVIN, ACTING)
COMMISSIONER OF SOCIAL SECURITY,)
)
Defendant.)

ORDER

AND NOW, this 26th day of February, 2015, upon consideration of the parties' cross-motions for summary judgment, the Court, upon review of the Acting Commissioner of Social Security's final decision, denying Plaintiff's claim for disability insurance benefits under Subchapter II of the Social Security Act, 42 U.S.C. § 401, et seq., and denying Plaintiff's claim for supplemental security income benefits under Subchapter XVI of the Social Security Act, 42 U.S.C. § 1381, et seq., finds that the Acting Commissioner's findings are supported by substantial evidence and, accordingly, affirms. See 42 U.S.C. § 405(g); Jesurum v. Sec'y of U.S. Dep't of Health & Human Servs., 48 F.3d 114, 117 (3d Cir. 1995); Williams v. Sullivan, 970 F.2d 1178, 1182 (3d Cir. 1992), cert. denied sub nom., 507 U.S. 924 (1993); Brown v. Bowen, 845 F.2d 1211, 1213 (3d Cir. 1988); see also Berry v. Sullivan, 738 F. Supp. 942, 944 (W.D. Pa. 1990) (if supported by substantial evidence, the Commissioner's decision must be affirmed, as a

federal court may neither reweigh the evidence, nor reverse, merely because it would have decided the claim differently) (citing Cotter v. Harris, 642 F.2d 700, 705 (3d Cir. 1981)).¹

Therefore, IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment (Document No. 11) is DENIED and Defendant's Motion for Summary Judgment (Document No. 12) is GRANTED.

¹ It should be noted that Plaintiff appears to have filed her present motion for summary judgment with extremely limited legal assistance. Although her motion states that "no lawyer would accept this case for the past 3 yrs," another individual signed the document on Plaintiff's behalf, "Respectfully Submitted, Sandra J Phillips[,] Assisting Behalf of Jessica Emerick." (Document No. 11 at 1, 4). (The Court did not consider an additional document it received by mail, signed by this same individual, because said document was neither filed with the Clerk of Courts, nor written by Plaintiff or an appropriate legal representative.) In any case, it is difficult to make sense of Plaintiff's motion's language and the grounds for appeal, but the Court is able to discern, to the best of its ability, that Plaintiff is claiming that the evidence overall should be reevaluated in her case, and that the Administrative Law Judge should have found Plaintiff's alleged disability met one, or perhaps all, of the 12.00 Listings, 20 C.F.R. Part 404, Subpart P, Appendix 1. (Document No. 11 at 2-4). The Court disagrees. After careful review of the record, the Court finds that there is substantial evidence to support the ALJ's finding that Plaintiff's alleged impairment did not meet the requirements of the listings under Section 12.00. The Court finds, further, that the ALJ properly considered and thoroughly discussed all the evidence of record, and that substantial evidence supports the ALJ's determination that Plaintiff retained the ability to perform work consistent with his RFC finding. Accordingly, the Court affirms.

s/Alan N. Bloch
United States District Judge

ecf: Counsel of record

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