

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

CHRISTOPHER COLEY, JR.

v.

C.A. NO.: 16-003 ML

NANCY A. BERRYHILL, Acting Commissioner,
Social Security Administration

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Objection to a Report and Recommendation issued by Magistrate Judge Sullivan on December 12, 2016 (Docket #16). Plaintiff makes one specific objection to the Magistrate Judge's conclusions. He argues that the Magistrate Judge got it wrong when she found that the Administrative Law Judge ("ALJ") committed no error in affording "great" weight to the opinions of State Agency non-examining physicians. As the Magistrate Judge explains, however, those non-examining State Agency physicians had reviewed all of the prior test results, including that of the one physician who had determined Plaintiff's Full Scale IQ score to be 67. As the Magistrate Judge Points out, however, Dr. Schwartz's Full Scale IQ score was not consistent with other Full Scale IQ scores from previous testing. Moreover, the non-examining physicians considered Plaintiff's current level of functioning. This Court agrees with the Magistrate Judge's conclusion that a remand in this case is unnecessary, given the ALJ's explanation as to why she afforded little weight to Dr. Schwartz's Full Scale IQ finding.

Having considered the Report and Recommendation and Plaintiff's Objection, this Court finds that the Magistrate Judge's recommendation is well supported by the record and is

consistent with applicable law. The Court, therefore, adopts the Report and Recommendation in its entirety. Plaintiff's Motion to Reverse is DENIED and Defendant's Motion to Affirm is GRANTED.

SO ORDERED:

/s/ Mary M. Lisi
Mary M. Lisi
Senior United States District Judge
February 22, 2017