



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

MARIA BENSON-WHITE,
Plaintiff,

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vs.

CIVIL ACTION NO. 0:08-2366-HFF-PJG

MICHAEL J. ASTRUE,
Commissioner of Social Security,
Defendant.

ORDER

This case was filed as a Social Security action. Plaintiff is represented by excellent counsel. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendant’s final decision denying Plaintiff’s claims for Disability Benefits be affirmed. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on August 4, 2009, Plaintiff filed her objections to the Report on September 11, 2009, and Defendant filed his reply to the objections on September 15, 2009.

In her objections, Plaintiff takes issue with the Magistrate Judge's conclusions concerning (1) Plaintiff's past relevant work, (2) Plaintiff's use of a cane, (3) Plaintiff's treating physician's opinion, and (4) the Administrative Law Judge's credibility findings. As stated by the Magistrate Judge, however, the Court is of the firm opinion that Defendant's "decision was supported by substantial evidence and reached through application of the correct legal standard." (Report 13.) Thus, for the reasons stated in Report, as well as those set forth in Defendant's reply to the objections, the Court will affirm Defendant's decision.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Defendant's decision be **AFFIRMED**.

IT IS SO ORDERED.

Signed this 17th day of September , 2009, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE