UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

BRIAN PRUNTY,)	
)	
Plaintiff,)	
)	Case No. 1:09-cv-286
v.)	
)	Judge Mattice
COMMISSIONER OF SOCIAL SECURITY,)	Magistrate Judge Carter
)	
Defendant.)	
·)	

ORDER

On August 14, 2014, United States Magistrate Judge William B. Carter filed his Report and Recommendation (Doc. 51) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Carter recommended that (1) Plaintiff's Motion for Summary Judgment (Doc. 48) be denied; (2) Defendant's Motion for Summary Judgment (Doc. 46) be granted; (3) the Decision of the Commissioner be affirmed; and (4) this action be dismissed.

Plaintiff has filed lengthy objections to the Magistrate Judge's Report and Recommendation, and the Commissioner has filed a Response in opposition to those objections. The majority of Plaintiff's objections reiterate the arguments raised in his Motion for Summary Judgment, specifically, that the ALJ failed to fully develop the record before denying his claim for benefits on May 31, 2007, that the Appeals Council erred in failing to remand the claim to the ALJ after Plaintiff submitted new evidence, and that the ALJ's decision was not supported by substantial evidence when the new evidence submitted to the Appeals Council is also considered. (*Compare Doc.* 48 with Doc. 52). Plaintiff also argues extensively regarding the applicability of the good cause

standard for submitting new evidence to his case. (Doc. 52). The remainder of Plaintiff's objections overlaps substantively with the above-described objections. (*Id.*).

After reviewing the Report and Recommendation as well as the record, the Court finds that Magistrate Judge Carter's Report and Recommendation sufficiently addresses each of Plaintiff's arguments. The Court agrees with Magistrate Judge Carter's conclusion that the ALJ adequately developed the record in Plaintiff's case. The Court also agrees that Dr. Wilson's August 2007 report on Plaintiff's heart condition was not material to the ALJ's consideration of Plaintiff's claim for benefits on May 31, 2007, especially in light of evidence that Plaintiffs heart condition was worsening. Since the evidence that Plaintiff submitted to the Appeals Council was not material to the ultimate determination of his claim, the Council did not err in failing to remand Plaintiff's claim for benefits, and the ALJ's decision to deny benefits was based on substantial evidence in the record. Additionally, because this evidence was not material to the denied claim, whether Plaintiff had good cause for failing to present this evidence to the ALJ - and whether the good cause standard from the United States Court of Appeals for the Eleventh Circuit applies to Plaintiff's case – is irrelevant to the instant matter. Thus, after its own review, the Court agrees with the well-reasoned conclusions reached in the Report and Recommendation and will accept and adopt them as its own.

Accordingly:

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);
- Plaintiff's Motion for Summary Judgment (Doc. 48) is **DENIED**;
- Defendant's Motion for Summary Judgment (Doc. 46) is **GRANTED**;
- The decision of the Commissioner is **AFFIRMED**;
- This case is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED this 11th day of December, 2014.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE