

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**DINAH BACCHIOCCHI,
Plaintiff**

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No. 1:14-CV-488

v.

**NANCY A. BERRYHILL,
COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,
Defendant**

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**ORDER OVERRULING OBJECTIONS AND ADOPTING
REPORT AND RECOMMENDATION**

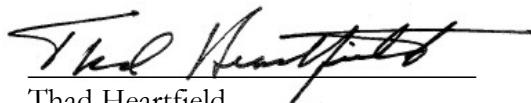
The Plaintiff requests judicial review of a final decision of the Commissioner of Social Security Administration with respect to her application for disability-based benefits. This matter has been referred to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge submitted a report recommending that the decision of the Commissioner be affirmed. The court has considered the report and recommendation filed on January 17, 2017 (Doc. No. 16) and the Plaintiff's objections. (Doc. No. 17.) The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* Fed. R. Civ. P. 72(b). After careful consideration, the court concludes that the Plaintiff's objections are without merit.¹ The court concludes that the magistrate judge correctly identified and discussed the points of error argued by plaintiff and analyzed those points correctly. The magistrate judge properly examined the entire

1. The Plaintiff's objection to the Report and Recommendation contains the same issues Bacchiocchi raised in the appeal. Plaintiff does not take into account that the ALJ set forth reasons for finding that Bacchiocchi's personality disorder was not severe but rather moderate, including the medical evidence of the Dr. Daniel Harris, Nisha Amin, Ph.D, and the inconsistencies in Dr. Gripon's treatment notes in contrast with Bacchiocchi's self-reports. The ALJ fully discussed the opinions of Dr. Gripon and properly discounted them as they were contradictory, unsupported, and gave weight to the differing opinion of Dr. Amin, the examining consultative psychologist. The hypothetical to the vocational expert properly included all of Bacchiocchi's limitations as supported by the evidence.

record to determine that substantial evidence supports the administrative law judge's findings on Plaintiff's severe impairments, residual functional capacity, properly evaluated and determined the weight accorded to the medical evidence, submitted a proper hypothetical question to the vocation expert, and the Commissioner's denial of benefits.

Accordingly, all of the Plaintiffs objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this the 8 day of March, 2017.



Thad Heartfield
United States District Judge