
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

LESLIE D. COOK, §
Plaintiff, §
§
v. §
§
CAROLYN W. COLVIN, §
COMMISSIONER OF THE SOCIAL §
SECURITY ADMINISTRATION, §
Defendant §

No. 1:15-CV-00316-MAC-KFG

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 September 15, 2016 (Doc. No. 14) and the Plaintiff's objections (Doc. No. 15). 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.

Plaintiff objects to the magistrate judge to the extent that he relied on finding that Ms. Cook's participation constituted significant services. Plaintiff argues that Cook's services were administrative rather than managerial or significant. The magistrate judge correctly determined that the ALJ properly considered Cook as self-employed and took into consideration the regulations that state: "supervisory, managerial, advisory or other significant personal services

rendered by self-employed individuals demonstrate an ability to engage in substantial gainful activity." 404.1532(f). *Dolbashian v. Sec'y of Health & Human Servs.*, 688 F.2d 4, 5-6 (1st Cir. 1982). The magistrate judge found that the ALJ correctly applied the regulations that specifically recognized that the services performed by a self-employed individual may be more intangible in nature and it is those intangible contributions that the ALJ found to be significant.

The court concludes that the magistrate judge correctly identified and discussed the point of error argued by plaintiff and analyzed the point correctly. The magistrate judge properly examined the entire record to determine that substantial evidence supports the administrative law judge's assessments and determinations and the Commissioner's denial of benefits.

Accordingly, all of the Plaintiff's 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 judges recommendation.

SIGNED at Beaumont, Texas, this 29th day of September, 2016.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE