
UNITED STATES DISTRICT COURTEASTERN DISTRICT OF TEXAS

LELDON RAY BEMENT,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

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CIVIL ACTION NO. 1:18-CV-3

**ORDER OVERRULING OBJECTIONS AND ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The Plaintiff requests judicial review of a final decision of the Commissioner of Social Security Administration with respect to his 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 March 6, 2019 (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. Therefore, the court **ACCEPTS** the magistrate judge’s recommendation, **OVERRULES** the Plaintiff’s objections, and **AFFIRMS** the Commissioner’s denial of benefits.

Plaintiff objects to the magistrate judge’s determination that the ALJ’s residual functional

capacity properly included all of the limitations resulting from Plaintiff's severe impairments, the treatment of the severity standard applied, the treatment of the testimony, and the existence of other work available. Plaintiff argues that his obsessive compulsive disorder caused limitations that were not included in his residual functional capacity determination. The magistrate judge correctly determined that substantial evidence supports the ALJ's treatment of Bement's severe impairments and took into consideration the effect, or lack of effect, they had on his residual functional capacity. The magistrate judge correctly examined the ALJ's severity standards, the treatment of the testimony in the record, and the ALJ's determination that other work existed that the Plaintiff could perform.

The court concludes that the magistrate judge correctly identified and discussed the points of error argued by plaintiff and analyzed the points 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 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 at Beaumont, Texas, this 26th day of March, 2019.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE