

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SUSAN HEBERT,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	NO. 4:12-CV-258-A
	§	
Carolyn W. Colvin,	§	
Acting Commissioner,	§	
Social Security Administration,	§	
	§	
Defendant.	§	

MEMORANDUM OPINION
and
ORDER

Before the court for decision is the appeal of plaintiff, Susan Hebert, from the decision of the Commissioner of the Social Security Administration ("Commissioner"), denying plaintiff disability benefits under the Social Security Act ("Act").¹ The court has concluded that the decision of Commissioner should be affirmed.

In June 2010, Plaintiff filed concurrent applications for a Period of Disability and Disability Insurance Benefits and for Supplemental Security Income. A hearing was held by an Administrative Law Judge ("ALJ") on petitioner's applications in two sessions, commencing in April 2011 and continuing in June 2011. The ALJ rendered a decision in July 2011 that (1) based on

¹Plaintiff applied for a Period of Disability and Disability Insurance Benefits protectively under §§ 216(i) and 223(d) of the Act and for Supplemental Security Income protectively under § 1614(a)(3)(A) of the Act.

plaintiff's application for a Period of Disability and Disability Insurance Benefits protectively filed on June 16, 2010, plaintiff is not disabled under §§ 216(i) and 223(d) of the Act, and (2) based on plaintiff's application for Supplemental Security Income protectively filed on June 16, 2010, plaintiff is not disabled under § 1614(a)(3)(A) of the Act. In February 2012, the Appeals Council affirmed the ALJ's decision, causing the ALJ's decision to be the final decision of Commissioner.

In April 2012 plaintiff filed a complaint initiating the above-captioned action complaining of Commissioner's decision. Consistent with the usual practices of the undersigned, the case was referred to the Magistrate Judge for the making of proposed findings and conclusions and a recommendation for disposition.

The Magistrate Judge ordered that this proceeding be treated as an appeal from Commissioner's decision, and that the parties proceed accordingly. Thereafter, plaintiff filed her appeal in the form of a brief, Commissioner responded with a brief, and plaintiff filed her reply to Commissioner's brief. On September 3, 2013, the Magistrate Judge issued his proposed findings and conclusions and his recommendation that Commissioner's decision be affirmed.

The Magistrate Judge gave the parties until September 13, 2013, to serve and file written objections to his proposed

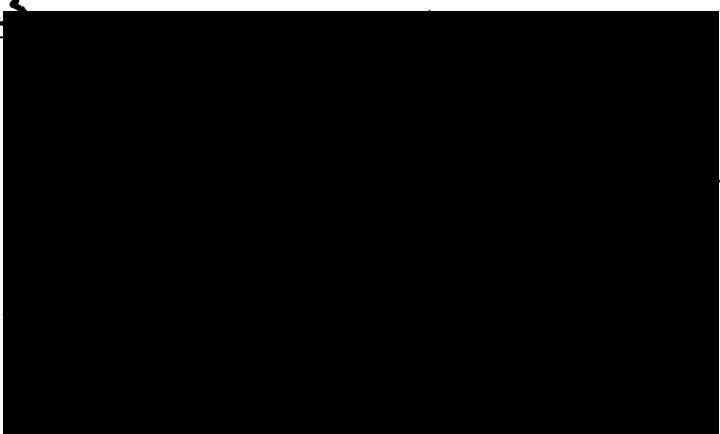
findings and conclusions and his recommendation. Plaintiff timely filed her objections, to which Commissioner responded.

After having made a review of the record, the filings of the parties, and the Magistrate Judge's proposed findings and conclusions and his recommendation, the court has determined to adopt the proposed findings and conclusions of the Magistrate Judge and his recommendation that the decision of Commissioner be affirmed.

Accordingly,

The court ORDERS that the decision of Commissioner be, and is hereby, affirmed.

SIGNED October 15, 2013.



JOHN MCBRYDE
United States District Judge