
**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION**

KRISTINE A. CHRISTENSEN,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 1:16-cv-00043-RJS

Judge Robert J. Shelby

Plaintiff Kristine A. Christensen asks the court to review the Social Security Administration's decision to deny her benefits. Ms. Christensen applied to the Social Security Administration for supplemental security income under Title XVI of the Social Security Act. After conducting a hearing, the Administrative Law Judge (ALJ) determined Ms. Christensen was not disabled as defined by the Act.¹ Ms. Christensen appealed the ALJ's decision to the agency's Appeals Council, which denied her request for review.² She then filed this appeal of the Commissioner's final decision.

This case was referred to Magistrate Judge Paul M. Warner pursuant to 28 U.S.C. § 636(b)(1)(B). After considering the briefs and the administrative record, Judge Warner issued a Report and Recommendation on March 6, 2018, recommending the court affirm the

¹ Admin R. at 25-41.

² Admin R. at 2-4.

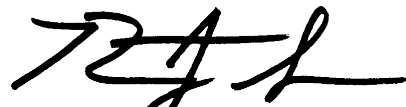
Commissioner's decision because: (1) the ALJ adequately developed the record and (2) substantial evidence supports the ALJ's determination.³

Under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b), a party has fourteen days in which to file an objection to a Report and Recommendation. Here, neither party has timely objected. In the absence of an objection, the court applies a clearly erroneous standard of review.⁴ Under this deferential standard, the court will affirm a Magistrate Judge's ruling unless the court "is left with the definite and firm conviction that a mistake has been committed."⁵

After carefully reviewing the briefing, record, and relevant legal authorities, the court concludes that Judge Warner did not clearly err in analyzing Ms. Christensen's appeal. The court therefore ADOPTS the Recommendation and AFFIRMS the Commissioner's decision. The Clerk of Court is directed to close the case.

SO ORDERED this 27th day of March, 2018.

BY THE COURT:



ROBERT J. SHELBY
United States District Judge

³ Dkt. 26.

⁴ *Thompson v. Astrue*, 2010 WL 1944779, at *1 (D. Utah May 11, 2010) (citing 28 U.S.C. § 636(b)(1)).

⁵ *Ocelot Oil Corp. v. Sparrow Indus.*, 847 F.2d 1458, 1464 (10th Cir. 1988) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)).