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

MILENE R. CHOROVICH,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:14-cv-00933-RJS-EJF

Judge Robert J. Shelby

Magistrate Judge Evelyn J. Furse

Plaintiff Milene R. Chorovich asks the court to reverse a Social Security Administration agency decision finding her not disabled and denying her benefits. Ms. Chorovich applied to the Social Security Administration for disability insurance benefits under Title II of the Social Security Act. After conducting a hearing, the Administrative Law Judge (ALJ) determined Ms. Chorovich was not disabled under sections 216(i) and 223(d) of the Social Security Act.¹ Ms. Chorovich 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 has been referred to Magistrate Judge Evelyn J. Furse pursuant to 28 U.S.C. § 636(b)(1)(B). Judge Furse issued a detailed and thorough Report and Recommendation, ultimately recommending the court affirm the Commissioner's decision as supported by substantial evidence.³ Ms. Chorovich objected to the Report and Recommendation arguing, as she had in her previous filings, that the ALJ failed to properly weigh the opinions of her treating

¹ See Admin R. 12-21.

² Admin R. 1-6.

³ Dkt. 32.

physicians and properly evaluate her credibility. After conducting a de novo review, the court concludes that the Report and Recommendation correctly rejected these arguments.

First, as discussed in the Report and Recommendation, the ALJ's decision to give Ms. Chorovich's treating physicians' opinions little weight is supported by substantial evidence in the record. The ALJ afforded these opinions little weight because "they were inconsistent with the record as a whole."⁴ As detailed by the Magistrate, the ALJ concluded the treating physicians functional limitations were inconsistent with their own treatment notes and other medical evidence.

Second, as set forth in the Report and Recommendation, the ALJ's finding that Ms. Chorovich's "statements concerning the intensity, persistence and limiting effects" of her impairments were "not entirely credible" was supported by substantial evidence. In support of his credibility finding, the ALJ pointed to specific evidence in the record, including medical reports, Ms. Chorovich's account of her daily activities, and evidence that her disability did not lead her to stop working.⁵

Because, upon de novo review, the court concludes that the Report and Recommendation correctly states and applies the law and is supported by the record, the court adopts the Report and Recommendation in its entirety. The Commissioner's decision is AFFIRMED.

SO ORDERED this 1st day of March, 2017.

BY THE COURT:



ROBERT J. SHELBY
United States District Judge

⁴ Admin R. 18.

⁵ Admin R. 19-20.