

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



BETTY WOODCOCK,

Plaintiff,

v.

Civil Action No. 2:12cv474

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's applications for disability insurance benefits pursuant to Title II of the Social Security Act.

This matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure, as well as Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, for consideration of a Motion for Summary Judgment and Motion to Remand filed by Plaintiff and a Cross-Motion for Summary Judgment filed by the Commissioner of Social Security.

The Report and Recommendation (R&R) of Magistrate Judge Tommy E. Miller was filed on June 20, 2013, recommending that (1) Plaintiff's Motion for Summary Judgment and Motion to Remand be dismissed and denied; (2) the Commissioner's Motion for Summary Judgment be granted; and (3) the final decision of the Commissioner be affirmed.

By copy of the Report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court received Plaintiff's objections to the Magistrate Judge's R&R, and has considered the objections carefully.

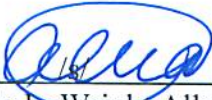
Plaintiff contends that the Magistrate Judge erred when he recommended that the decision of the Administrative Law Judge (ALJ) to deny benefits should be affirmed. Plaintiff argues that the ALJ failed to consider all of the opinions of her treating physician, failed to adequately weigh her credibility, and improperly relied on vocational expert testimony regarding an inapposite hypothetical. After reviewing the record *de novo*, the record shows that the ALJ properly considered the statements of Plaintiff's treating physician, and that his evaluation of Plaintiff's condition and conclusion that plaintiff was not credible was supported by substantial evidence and a proper application of the law.

Therefore, the Court **ADOPTS** the findings and recommendations set forth in Judge Miller's Report and Recommendation (ECF 14). 28 U.S.C. § 636(b)(1)(C); *see* Fed. R. Civ. P. 72(b). Plaintiff's Motion for Summary Judgment (ECF No. 8) and Motion to Remand (ECF No. 9) are **DENIED**, the Commissioner's Motion for Summary Judgment (ECF No. 11) is **GRANTED**, and the final decision of the Commissioner is **AFFIRMED**.

The Clerk is **REQUESTED** to forward a copy of this Order to all parties.

IT IS SO ORDERED.

August ^{30th}, 2013
Norfolk, Virginia



Arenda L. Wright Allen
United States District Judge