IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

DENISE ANN BEAL,	)	
	)	
Plaintiff,	)	Case No. 2:10CV00070
	)	
v.	)	**OPINION**
	)	
MICHAEL J. ASTRUE, COMMISSIONER OF SOCIAL SECURITY,	)	By: James P. Jones United States District Judge
	)	
	)	
Defendant.	)	

Roger W. Rutherford, Wolfe, Williams, Rutherford & Reynolds, Norton, Virginia, for Plaintiff; Eric P. Kressman, Regional Chief Counsel, Region III, Andrew C. Lynch, Assistant Regional Counsel, Charles Kawas, Special Assistant United States Attorney, Social Security Administration, Office of the General Counsel, Philadelphia, Pennsylvania, for Defendant.

Before the court in this Social Security disability case are the plaintiff's Objections to the Report issued by the magistrate judge. The plaintiff argues that the magistrate judge erred in finding that substantial evidence supported the decision of the administrative law judge ("ALJ") denying her claim for disability insurance and supplemental security income benefits.

The plaintiff's primary argument in the case is that the ALJ's decision was not supported by substantial evidence because the ALJ failed to accord the proper

weight to the opinions of her treating physicians. On this issue, I adopt the findings and recommendations of the magistrate judge.

The plaintiff also argues that the ALJ's decision is not supported by substantial evidence because although the ALJ found her asthma to be a severe impairment, he did not include any restriction for environmental irritants in her residual functional capacity ("RFC"). The magistrate judge did not specifically address this argument in her Report. In his decision, the ALJ noted that he was not including any environmental restrictions in the plaintiff's RFC for four reasons. First, the state agency physicians concluded that no environmental restrictions were necessary. Second, the plaintiff's medical records indicated that her asthma was stable. Also, the plaintiff had a history of smoking a pack of cigarettes per day until February 2009 and that habit apparently did not affect her asthma. And finally, June 2009 X rays showed that her lungs were clear. This substantial evidence supports the ALJ's conclusion that environmental restrictions were not necessary in the RFC.

For the foregoing reasons, the magistrate judge's Report and its findings and recommendations will be wholly accepted and approved, the plaintiff's Motion for Summary Judgment will be denied, and the defendant's Motion for Summary Judgment will be granted. A final judgment will be entered affirming the Commissioner's final decision denying benefits.

DATED: February 9, 2012

/s/ James P. Jones
United States District Judge