Pittman v. Astrue Doc. 20

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA HARRISONBURG DIVISION

JENNIFER B. PITTMAN,	)	
Plaintiff,	)	Civil Action No.: 5:13cv0001
	)	C1/11 11 C1/10 11 (ON 21/10 C1/10 C1
<b>v.</b>	)	
	)	
CAROLYN W. COLVIN, <sup>1</sup>	)	By: Hon. Michael F. Urbanski
Commissioner of Social Security,	)	<b>United States District Judge</b>
	)	
Defendant.		

## **ORDER**

This matter was referred to the Honorable B. Waugh Crigler, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The magistrate judge filed a report and recommendation on September 10, 2013, recommending that plaintiff's motion for summary judgment be denied, the Commissioner's motion for summary judgment be granted and the Commissioner's final decision be affirmed. Plaintiff Jennifer B. Pittman ("Pittman") has filed objections to the report and recommendation.

The court has reviewed the magistrate judge's report, the objections to the report, and the pertinent portions of the administrative record and, in so doing, made a <u>de novo</u> determination of those portions of the report to which the plaintiff objected. The court finds that the magistrate judge properly concluded that there is substantial evidence in the record to support the ALJ's determination, particularly the weight he assigned to the opinions of Pittman's treating physicians, which the magistrate judge correctly observed to be at the core of Pittman's

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<sup>&</sup>lt;sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Federal Rule of Civil Procedure 25(d), Carolyn W. Colvin should be substituted for Michael J. Astrue as the defendant.

challenge to the Commissioner's decision. Accordingly, the court accepts the magistrate judge's recommendation that the Commissioner's decision should be affirmed.

It is therefore **ORDERED** and **ADJUDGED** that plaintiff's motion for summary judgment (Dkt. No. 12) is **DENIED**, the Commissioner's motion for summary judgment (Dkt. No. 15) is **GRANTED**, the report and recommendation (Dkt. No. 17) is **ADOPTED** in its **entirety**, the Commissioner's decision is **AFFIRMED**, and this matter is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order to all counsel of record.

Entered: November 19, 2013

(s/ Michael F. Urbanski

Michael F. Urbanski

United States District Judge