UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KATRINA RAE SCHOLD,

Plaintiff,

v.

CAROLYN W. COLVIN,

Defendant.

CASE NO. C12-5429 RJB

ORDER AFFIRMING DEFENDANT'S DECISION TO DENY BENEFITS

This matter comes before the court on the Report and Recommendation of the magistrate judge. Dkt. 14. The court has considered the relevant documents and the remainder of the file herein.

On February 11, 2013, U.S. Magistrate Judge Karen L. Strombom issued a Report and Recommendation, recommending that the court find that the ALJ properly concluded plaintiff was not disabled; and that the court affirm defendant's decision to deny benefits. Dkt. 14.

On February 25, 2013, plaintiff filed objections to the Report and Recommendation. Dkt. 15. On March 7, 2013, defendant filed a response to the objections. Dkt. 17.

The court concludes that the objections are without merit, for the following reasons: First, the language of the regulations cited by plaintiff may require a finding on credibility only when medical evidence is inconclusive. That does not, however, mean that when the medical evidence is conclusive (which it is not, in this case), the ALJ is prohibited from assessing a

claimant's credibility. Second, regarding the medical evidence, even if plaintiff is correct that her diabetes was not controlled and there are, therefore, remarkable findings (contrary to the conclusion of the magistrate judge), a claimant must still show that impairment resulted in significant work related limitations, in order to be able to be found disabled. Plaintiff has not made such a showing. Third, regarding the adverse credibility findings, if a claimant is engaging in nondisabling activities for the period during which the claimant was claiming that she was disabled, that is a valid basis for making an adverse credibility determination. Even if the magistrate judge erred in finding that plaintiff was a college student, when she was in fact still completing high school, this is a minor error that does not change the analysis. Fourth, the ALJ gave several reasons for discounting plaintiff's credibility regarding her subjective complaints.

The court has considered the Report and Recommendation and the remaining record, and concurs with the analysis and conclusion of the magistrate judge.

Accordingly, the court **ADOPTS** the Report and Recommendation (Dkt. 14). The decision of the Social Security Administration is **AFFIRMED**.

The Clerk is directed to send uncertified copies of this Order to all counsel of record, to any party appearing *pro se* at said party's last known address, and to U.S. Magistrate Judge Karen L. Strombom.

Dated this 15th day of March, 2013.

ROBERT J. BRYAN
United States District Judge