UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHAWNA L. ROUSE,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

CASE NO. C16-5134BHS-JDP

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R") of the Honorable James P. Donohue, United States Magistrate Judge (Dkt. 17), and Plaintiff Shawna Rouse's ("Rouse") objections to the R&R (Dkt. 19).

On October 24, 2016, Judge Donohue issued the R&R recommending that the Court affirm the Commissioner's denial of Rouse's application for benefits. Dkt. 17. On November 7, 2016, Rouse filed objections. Dkt. 19.

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

In this case, Rouse objects to the R&R's conclusions regarding her hearing loss, her credibility, and the Administrative Law Judge's ("ALJ") step five finding. Dkt. 17. On the issue of Rouse's hearing, she argues that she requires work limitations beyond what the ALJ found to be her limitations. Dkt. 19 at 3–9. The Court, however, finds that

the medical evidence does not support additional limitations and the R&R properly evaluated the issues.

Regarding Rouse's credibility, she argues that the ALJ erred in finding Rouse less than credible. Dkt. 19 at 10. The Court, however, agrees with the R&R that one valid reason exists to support the ALJ's finding. Dkt. 17 at 12–15. Accordingly, the ALJ's determination is subject to deference, and the Court adopts the R&R on this issue.

Finally, Rouse argues that the Court should reject the R&R's recommendation that the Court should affirm the ALJ's step five finding. Dkt. 19 at 11. This argument, however, is based on the allegedly flawed conclusion regarding Rouse's limitations. Because the Court affirms the ALJ's limitations, the Court also affirms the ALJ's step five finding.

Therefore, the Court having considered the R&R, Rouse's objections, and the remaining record, does hereby find and order as follows:

(1) The R&R is **ADOPTED**;

(2) The Commissioner's denial of Rouse's application for benefits is **AFFIRMED**;

(3) This action is **DISMISSED**; and

(4) The Clerk shall close this case.

Dated this 18th day of January, 2017.

BENJAMIN H. SETTLE
United States District Judge