

CASE NO. 12-_____

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

LAURENCE FITZPATRICK,

Plaintiff-Appellant

vs.

No. 13-CV-27-bbc

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Hon. Barbara B. Crabb
United State District Judge

Defendant-Appellee

Appeal from a Judgment from
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

DOCKETING STATEMENT

Dana W. Duncan
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Plaintiff-Appellant, Laurence Fitzpatrick, by his attorney, Dana W. Duncan, **Duncan Disability Law, S.C.**, submits this docketing statement alleging the following:

1. The District Court's jurisdiction is contained in an appeal of an adverse decision of the Commissioner of Social Security under §216(i) and 223 of the Social Security Act, 42 U.S.C. §416(i) and 423(d).
2. The judgment to be reviewed is an order and judgment by the Honorable, Barbara A. Crabb, District Judge, dated December 31, 2013 and entered on the same date, affirming the decision of the Defendant-Appellant, Carolyn W. Colvin, Acting Commissioner of Social Security, denying the plaintiff-appellant's application for a period of disability and disability insurance benefits under 42 U.S.C. §§216(i) and 223. Dkt. 18, 19.
3. This docketing statement is submitted pursuant to Circuit Rule 3(c) and Circuit Rule 28(a).
4. A Notice of Appeal was filed on or about the 21st day of January, 2013.
5. The Notice of Appeal from the order of the Honorable Barbara B. Crabb, is an appeal from a final judgment adjudicating all of the claims with respect to all parties.
6. As procedural history:
 - A. On April 4, 2011, the claimant filed a Title II application for a period of disability and disability insurance benefits, alleging disability beginning April 1, 2011. The claim was denied initially on June 2, 2011, and upon reconsideration on October 6, 2011. Thereafter, the claimant filed a written request for hearing on November 4, 2011.
 - B. The ALJ issued a decision on September 28, 2012 denying Title II benefits.
 - C. The ALJ found that Fitzpatrick met the insured status requirements of the Social Security Act through

December 31, 2015, had not engaged in substantial gainful activity since April 1, 2011, the alleged onset date and had as severe impairments: headaches, sleep apnea, and right upper extremity impingement.

- D. The ALJ found that Fitzpatrick did not have an impairment or combination of impairments that met or medically equaled the severity of one of the listed impairments hi 20 CFR Part 404, Subpart P, Appendix 1.
- E. He found that Fitzpatrick was capable of performing past relevant work as a warehouse manager, client services representative, and claims representative.
- F. Following a timely request for Review of Administrative Decision, the Appeals Council denied review on January 2, 2013, making the ALJ's decision the final decision of the Commissioner.
- D. Following the submission of briefs, the Honorable Barbara B. Crabb, United States District Judge, issued an Opinion and Order on December 31, 2013 and docketed on said date which recommended that the Commissioner's final decision in this matter be affirmed. A judgment was docketed on December 31, 2013 affirming the Commissioner's Decision.

Dated this 21st day of January, 2014.

Respectfully submitted,

Duncan Disability Law, S.C.
Attorneys for the Plaintiff-Appellant

/s/ Dana W. Duncan

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