

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF KANSAS

MARY MENDEZ,)
)
Plaintiff,)
)
v.)
)
MICHAEL J. ASTRUE,)
Commissioner of)
Social Security,)
)
Defendant.)

Case No. 07-1328-WEB

ORDER ADOPTING RECOMMENDATION AND REPORT

Plaintiff seeks review of the Defendant’s denial of disability insurance benefits and supplemental security income payments. The matter was referred to Magistrate Judge Reid for a recommendation and report pursuant to Fed. R. Civ. P. 72(b). Now before the Court is the Recommendation and Report of Magistrate Judge Reid. (Doc. 20). Neither party has filed a written objection.

The Magistrate Judge found the decision of the Administrative Law Judge (ALJ) should be affirmed. The ALJ gave greater weight to the opinions of Dr. Brown, Dr. Michael Johnson and the state agency physicians. In doing so, the ALJ discounted the opinions of Dr. Sara Johnston. The ALJ found that Dr. Johnston’s opinions were not supported by the record, including contrary medical opinions and the daily activities of the plaintiff. Further, the opinions of Dr. Johnston were conclusory, and did not state specifics. The reports of the other doctors provided a more detailed discussion of the medical evidence and the basis for the limitations. The ALJ determined there were specific, legitimate reasons for rejecting the opinions of Dr. Johnston.

The ALJ determined the plaintiff was not credible when she asserted that she could not

work an 8 hour day on a regular basis. The ALJ relied on the statements of doctors, the RFC findings, and the vocational experts in finding the plaintiff was not credible.

Therefore it is ORDERED that the Recommendation and Report (Doc. 20) be adopted by the Court.

It is further ORDERED that the decision of the Defendant be AFFIRMED.

The Clerk of the Court is directed to enter Judgment accordingly.

SO ORDERED this 15th day of September, 2008.

s/ Wesley E. Brown
Wesley E. Brown
U.S. Senior District Judge