

IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF KANSAS

MICHAEL L. McGLOTHLIN, )  
)  
Plaintiff, )  
)  
v. )  
)  
MICHAEL J. ASTRUE, )  
COMMISSION OF )  
SOCIAL SECURITY, )  
)  
Defendant. )

Case No. 08-1117-WEB

ORDER

Now before the court is the review of the final decision of the Commissioner of Social Security denying Michael L. McGolthin disability insurance benefits. The matter was referred to the Magistrate Judge for a recommendation and report pursuant to Rule 72(b), Federal Rules of Civil Procedure. The Recommendation and Report was filed on May 28, 2009. Neither party filed an objection to the Report.

The Administrative Law Judge (ALJ) found that the plaintiff was unable to perform past relevant work and that the plaintiff was able to perform other jobs that exist in the national economy, therefore plaintiff was not disabled. The Magistrate Judge found the ALJ's findings were supported by substantial evidence. The medical records and the state agency assessment established the plaintiff was able to return to work and did not have any restrictions.

The Magistrate Judge found the ALJ's credibility findings were supported by substantial evidence. The ALJ supported his credibility findings by citing specific evidence in the record. Although the ALJ made one error in his credibility analysis, the error is harmless when examining the record as a whole.

IT IS ORDERED that the Recommendation and Report of Magistrate Judge Bostwick

(Doc. 17) be adopted by this Court; and

IT IS FURTHER ORDERED the decision of the Commissioner is AFFIRMED. The Clerk of the Court is directed to enter Judgment accordingly.

SO ORDERED this 4th day of August, 2009.

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