

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF KANSAS

LOWBOITE MARINIEZ,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-1182-WEB
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Before the court is the review of the final decision of the Commissioner of Social Security denying Lowboite Martinez disability insurance benefits and supplemental security income payments. 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 March 22, 2010 (Doc. 17). Neither party filed an objection to the report.

The Magistrate Judge found the Administrative Law Judge (ALJ) gave greater weight to the consultative examination of Dr. Liebenau and the state agency psychological assessment by Dr. Fantz in determining plaintiff's RFC and in assessing the weight to be given to plaintiff's credibility regarding an inability to work due to mental impairments. The Magistrate Judge found the ALJ provided a detailed explanation for not finding the plaintiff credible, and set forth specific evidence. Kepler v. Chater, 68 F.3d 387, 391 (10th Cir. 1995).

The Magistrate Judge also determined that the ALJ's conclusion that the plaintiff had only a moderate impairment in his ability to socialize with others is supported by the record. Finally, the Magistrate Judge found that the ALJ's determination that the plaintiff's impairments

do not meet or equal listed impairments of anxiety related disorders and personality disorders is supported by the record. The record supports a finding that the plaintiff has only mild or moderate limitations, and support the finding that the plaintiff does not suffer from a disorder that prevents him from maintaining concentration or social functioning.

The ALJ set forth specific, substantial evidence in the record to support her findings.

IT IS ORDERED that the Recommendation and Report of Magistrate Judge Cohn (Doc. 17) be adopted by this Court; and

IT IS FURTHER ORDERED that the decision of the Commissioner be AFFIRMED.

SO ORDERED this 24th day of May, 2010.

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