IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

DAWN C. BERRUECOS,)	
Plaintiff,)	
v.)	Civil No. 14-1223-JAR
CAROLYN W. COLVIN,)	
ACTING COMMISSIONER OF SOCIAL SECURITY,)	
Defendant.)	

MEMORANDUM AND ORDER

Before the Court is pro se Plaintiff Dawn C. Berruecos' Motion for Leave to File Conventional Exhibits (Doc. 9). When read in conjunction with the Letter she submitted to the Court on the same filing date (Doc. 8), the motion asks this Court to allow her to submit her own medical records in support of her administrative appeal.

But judicial review in this case under 42 U.S.C. § 405(g) is limited to whether

Defendant's decision denying Plaintiff's social security disability benefits is supported by

substantial evidence in the record as a whole and whether Defendant applied the correct legal standards.¹ The Tenth Circuit has defined "substantial evidence" as "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." In the course of its review, the court may not re-weigh the evidence or substitute its judgment for that of Defendant.³ The

¹See White v. Massanari, 271 F.3d 1256, 1257 (10th Cir. 2001) (citing Castellano v. Sec'y of Health & Human Servs., 26 F.3d 1027, 1029 (10th Cir. 1994)).

²*Id.* (quoting *Castellano*, 26 F.3d at 1028).

Court may not consider evidence outside the record before the Administrative Law Judge.⁴

Plaintiff is directed to review this Court's local rule governing review of orders of administrative

agencies, which includes social security appeals.⁵ Under the rule, the record on review is limited

to the decision to be reviewed, the findings on which it is based, and the pleadings and evidence

that was before the agency.⁶ The agency must file the administrative record with the clerk of the

court when it files its answer.⁷

For all of these reasons, the Court must deny Plaintiff's motion to conventionally file her

medical records in this matter. The Court's review of her appeal is limited the administrative

record to be filed by the Secretary.

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff Dawn C. Berruecos'

Motion for Leave to File Conventional Exhibits (Doc. 9) is denied.

IT IS SO ORDERED.

Dated: August 21, 2014

S/ Julie A. Robinson

JULIE A. ROBINSON

UNITED STATES DISTRICT JUDGE

2

⁴See Ohler v. Sec'y of Health, Educ., & Welfare of the United States, 583 F.2d 501, 505 (10th Cir. 1978); Gillespie v. Astrue, No. 09-2092-CM, 2008 WL 716082, at *2 (D. Kan. Feb. 24, 2010).

⁵D. Kan. Rule 83.7.1.

⁶Rule 83.7.1(b).

⁷Rule 83.7.1(c)(1).