

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

WILHELMINA WILCOX,

Plaintiff,

v.

Case No. 6:17-cv-280-Orl-37TBS

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

In this social security appeal, Plaintiff seeks review of the Commissioner's decision to deny her social security disability benefits. (Doc. 1.) As set forth in U.S. Magistrate Judge Thomas B. Smith's Report and Recommendation ("**R&R**"), Plaintiff contends that the administrative law judge ("**ALJ**") erred by failing to call a medical expert to determine the Plaintiff's onset date of disability. (Doc. 17, pp. 5-8; *see also* Doc. 16, pp. 17-20.) On careful review, Magistrate Judge Smith rejects Plaintiff's assignment of error, as Plaintiff filed two separate disability applications with distinct adjudication periods, and the ALJ was not bound by either outcome. (*See* Doc. 17, pp. 6-9.) Moreover, Plaintiff did not allege any resulting prejudice. (*Id.* at 9.) Thus, Magistrate Judge Smith recommends rejecting Plaintiff's assignment of error and affirming the Commissioner's final decision. (*Id.* at 9.)

Neither party filed objections, and the time for doing so has now passed. Absent objections, the Court has examined the R&R for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also*

Marcort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 17) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. The Commissioner's decision is **AFFIRMED**.
3. The Clerk is **DIRECTED** to:
 - a. Enter judgment in favor of Defendant Commissioner of Social Security and against Plaintiff Wilhemina Wilcox; and
 - b. Close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on August 23, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record