

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CAROL ANN FARNSTROM,

Plaintiff,

v.

Case No. 6:17-cv-619-Orl-37DCI

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 Daniel C. Irick's Report and Recommendation ("**R&R**"), Plaintiff contends that the administrative law judge ("**ALJ**") erred by failing to fully and fairly develop the record; and apply the correct legal standard to the opinion of a psychologist. (Doc. 18) Neither party filed objections, and the time for doing so has now passed.

In his R&R, Magistrate Judge Irick concludes that Plaintiff failed to show the existence of evidentiary gaps in the record that resulted in unfairness or clear prejudice, and that even if there were additional medical records that the ALJ failed to consider, no unfairness or clear prejudice resulted. (*Id.* at 3-10.) Next, Magistrate Judge Irick found that the ALJ properly addressed the psychologist's opinion and the decision to assign little weight to it was supported by substantial evidence. (*Id.* at 11-13.) So he recommends rejecting Plaintiff's assignments of error and affirming the Commissioner's final decision.

(*Id.* at 10, 14, 15.)

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 Daniel C. Irick's Report and Recommendation (Doc. 18) 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 Carol Ann Farnstrom; and
 - b. Close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 16, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record