

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
ROGER T.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 18-053 WES
)	
ANDREW M. SAUL,)	
Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	
_____)	

ORDER

WILLIAM E. SMITH, Chief Judge.

Before the Court is Magistrate Judge Lincoln D. Almond's Report and Recommendation ("R&R"), ECF No. 20, which recommends that the Court deny Plaintiff's Motion to Reverse the Decision of the Commissioner, ECF No. 13, and grant the Defendant's Motion to Affirm the Decision of the Commissioner, ECF No. 15. Plaintiff filed a timely objection ("Pl. Obj.") to the R&R, ECF No. 21. For the reasons that follow, the Court ACCEPTS and ADOPTS the R&R, ECF No. 20, over Plaintiff's objection, and therefore DENIES Plaintiff's Motion to Reverse the Decision of the Commissioner, ECF No. 13, and GRANTS the Defendant's Motion to Affirm the Decision of the Commissioner. ECF No. 15.

Plaintiff's main objection is that the Administrative Law Judge ("ALJ"), in evaluating the disability claim that is the

subject of this appeal, failed to adequately consider evidence developed during Plaintiff's subsequent, and successful, application for benefits. Pl. Obj. 1-2. Plaintiff argues specifically that the ALJ did not give sufficient weight to the opinion of Dr. Susan Killenberg, a state agency psychologist. Id. The Court does not find this persuasive, where Dr. Killenberg "offered no express retrospective opinion about the relevant period under consideration in this appeal," and her evaluation was based mainly on Plaintiff's hospitalizations after that time period. R&R 16.

Accordingly, the Court fully ACCEPTS the R&R, ECF No. 20, and adopts its reasoning. Plaintiff's Motion to Reverse the Decision of the Commissioner, ECF No. 13, is DENIED and the Defendant's Motion to Affirm the Decision of the Commissioner, ECF No. 15, is GRANTED.

A handwritten signature in black ink, appearing to read "WESMITH", written over a horizontal line.

William E. Smith
Chief Judge
Date: September 12, 2019