

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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FLORA JEAN HEREFORD,

Plaintiff,

v.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

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ORDER

02-C-0600-C

Plaintiff Flora Jean Hereford has filed objections to the report and recommendation entered by the United States Magistrate Judge on August 6, 2003. The magistrate judge recommended that the court affirm the decision of defendant Jo Anne B. Barnhart, Commissioner of Social Security, to deny plaintiff's application for disability insurance benefits and supplemental security income. Plaintiff contends that defendant's decision is based upon an erroneous finding by the administrative law judge who heard her case and defendant's refusal to consider two additional medical records she submitted after the administrative law judge had issued his adverse ruling.

Having reviewed the file and the magistrate judge's report, I find no reason not to

adopt his recommendation. As the magistrate judge explained in detail, the record contains substantial evidence supporting the administrative law judge's decision that plaintiff was not disabled because she could still perform her past relevant work on an assembly line at a pillow-making company. A court cannot overturn a decision supported by substantial evidence. At most, this court could remand the case to the commissioner pursuant to sentence six of 42 U.S.C. § 405(g) to consider plaintiff's additional evidence. However, the nature of that evidence does not warrant a remand. The magistrate judge was correct to find that the reports were not so different from the other medical evidence before the administrative law judge as to be likely to lead to a different outcome.

As much as plaintiff believes herself to be disabled with chronic back pain, the medical evidence does not provide support for her belief. Therefore, I must adopt the magistrate judge's recommendation to affirm the decision of the commissioner.

#### ORDER

IT IS ORDERED that the recommendation of the United States Magistrate Judge is ADOPTED and the decision of defendant Jo Anne B. Barnhart to deny plaintiff Flora Jean Hereford's application for disability insurance benefits or supplemental security income is

AFFIRMED.

Entered this 21st day of August, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge