

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

GARY ALLORD,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social Security
Administration,

Defendant.

ORDER

04-C-0738-C

In a report and recommendation entered on June 14, 2005, the United States Magistrate Judge recommended affirmance of defendant Barnhart's denial of plaintiff Gary Allord's claim for disability insurance benefits. Plaintiff has filed extensive objections to the recommendation. Having read these and the magistrate judge's report and reviewed the record, I am persuaded that the magistrate judge's recommendation is correct. The decision is a difficult one because plaintiff is a sympathetic claimant. Unfortunately for him, the record provides sufficient evidence for the administrative law judge's conclusion and, because it does, the court cannot overturn it and substitute its own conclusion.

The magistrate judge filed a 41-page report, in which he analyzed the administrative

law judge's decision in painstaking detail. He acknowledged each of the points plaintiff emphasizes in his objections, but explained carefully and thoroughly why the decision stood up despite the errors he found the administrative law judge had made. The inescapable conclusion, as the magistrate judge acknowledged, is that plaintiff lacked the evidence necessary to allow the administrative law judge to find that plaintiff's post traumatic stress disorder prevented him from performed any kind of work before his eligibility for benefits expired.

ORDER

IT IS ORDERED that the magistrate judge's findings of fact and conclusions of law are ADOPTED by the court. FURTHER, IT IS ORDERED that the decision of defendant Jo Anne B. Barnhart, Commissioner of Social Security, denying plaintiff Gary Allord's claim for Social Security Disability Insurance Benefits is AFFIRMED.

Entered this 20th day of July, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge