

Baker v. SSA

10-CV-454-SM 1/3/12

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Deborah Baker,
Claimant

v.

Civil No. 10-cv-454-SM
Opinion No. 2012 DNH 002

Michael J. Astrue, Commissioner,
Social Security Administration,
Defendant

O R D E R

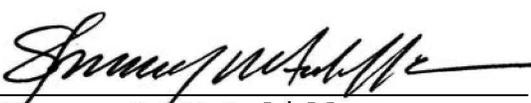
After due consideration of claimant's objection, the court approves and adopts the Report and Recommendation of Magistrate Judge McCafferty dated November 15, 2011 (document no. 13). See generally 28 U.S.C. § 636(b)(1). See also Fed. R. Civ. P. 72(b).

One point raised by claimant in her objection to the Report and Recommendation warrants comment. Claimant asserts that the ALJ never found that she can lift 20 pounds and, consequently, the ALJ concluded without record support that she can perform light work. The court disagrees. The ALJ determined that claimant "has the residual functional capacity to perform light work as defined in 20 C.F.R. 404.1567(b)." Administrative Record ("Admin. Rec.") at 11 (emphasis supplied). That finding necessarily means he concluded that claimant can, as the regulations provide, perform work involving "lifting no more than

20 pounds at a time with frequent lifting or carrying of objects weighing up to 10 pounds." 20 C.F.R. § 404.1567(b). The ALJ's subsequent statements about claimant's ability to lift 10 pounds are not inconsistent with that determination. And, as the Magistrate Judge noted, the conclusion that claimant can occasionally lift up to 20 pounds is amply supported by substantial evidence in the record (including claimant's own hearing testimony about her ability to lift her grandson, who weighs approximately 20 pounds). Admin. Rec. at 25-26.

Claimant's motion for an order reversing the Commissioner's decision (document no. [9](#)) is denied. The Commissioner's motion for an order affirming his decision (document no. [10](#)) is granted. The Clerk of Court shall enter judgment in accordance with this order and close the case.

SO ORDERED.



Steven J. McAuliffe
United States District Judge

January 3, 2012

cc: Francis M. Jackson, Esq.
Karen B. Fitzmaurice, Esq.
Gretchen L. Witt, Esq.