

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT LAURELLI,	:	
Plaintiff,	:	
v.	:	No. 05-4965
	:	
JO ANNE B. BARNHART,	:	
COMMISSIONER OF SOCIAL SECURITY,	:	
Defendant.	:	

**MEMORANDUM**

**GREEN, S.J.**

**July 20, 2006**

Presently before the Court are the parties' cross-motions for summary judgment. Oral argument on the motions was held and the argument of counsel heard and considered. In addition to considering the parties memoranda and the arguments of counsel, the court has carefully reviewed the record and the opinion of the Administrative Law Judge ("ALJ"). Upon consideration of the foregoing and for the reasons set forth below, summary judgment will be granted in favor of Defendant. Plaintiff's motion for summary judgment will be denied.

The factual and procedural background of this case are fully set forth in the parties' respective motions; therefore, it is not necessary to recite them herein. On summary judgment Plaintiff argues that the ALJ did not give proper weight to the opinion of Plaintiff's treating physicians, Drs. Nelson and Spencer. Plaintiff maintains that his treating physicians' opinions must be given controlling weight. Plaintiff further states that the ALJ committed error in that the opinion does not discuss, and instead disregards, the substantial positive evidence in Plaintiff's physical therapy records that support his claims of pain and limitation. Plaintiff also asserts that remand is appropriate because the ALJ did not discuss Plaintiff's physical therapy treatment notes. However, those notes largely reiterate that Plaintiff was treated with heat and include his complaints of pain. Despite Plaintiff's contentions to the contrary, the ALJ is not required to discuss each piece of medical evidence contained in the record. Plaintiff finally

complains that the ALJ failed to properly evaluate Plaintiff's residual functioning capacity and non-exertional impairments. Defendant responds that the ALJ's opinion is supported by substantial evidence in the record.

This court is bound by the ALJ's findings of fact if they are supported by substantial evidence in the record. See 42 U.S.C. § 405(g). Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate." Plummer v. Apfel, 186 F.3d 422, 427 (3d Cir. 1999). After careful and independent consideration of the ALJ's opinion, the parties motions and supporting briefs, and the respective arguments of counsel, I conclude that the ALJ's opinion that the Plaintiff's impairments, while severe, do not meet or equal the criteria of any of the Listed Impairments is supported by substantial evidence. Moreover, there is substantial evidence in the record to support the ALJ's conclusion that Plaintiff's statements concerning his limitations are not entirely credible. The ALJ's determination that Plaintiff retains the residual functional capacity to perform light level work is supported by substantial evidence in the record. Although Plaintiff relies heavily on the opinions of some of his treating physicians, other treating physicians - namely Drs. Harrell and Mandel - opined that Plaintiff's limitation were not as severe or limiting as he suggests. See R. at 136, 155, 160 and 162. Further evidence supporting the ALJ's determinations are found in Dr. Holding's report conducted as a result of an April 2003 examination of Plaintiff. That report concluded that Plaintiff retained full range of motion except for his shoulders bilaterally and also noted that Plaintiff had good upper extremity motor strength and reflexes, full range of motion in his lower extremities, and some reduced motor strength therein. R. at 307. Additionally, the opinion of the consultative examiner further provides support for the ALJ's determination that Plaintiff's limitation do not meet or equal a Listed Impairment and that he has the residual functioning capacity to perform light exertional work. R. at 223. Moreover, the court notes that while Plaintiff claims that he can neither sit nor stand for prolonged periods of time, and Dr. Spencer's opinion includes a

limitation that Plaintiff can only sit or stand for 20 minute periods, Plaintiff testified that he sleeps in a recliner (a sitting chair) for up to four hours daily prior to driving to pick his daughter up after school. R. at 43, 51-53. Based on these conflicting statements, the court cannot determine that the ALJ improperly discounted Plaintiff's testimony nor can the court find that the ALJ did not properly weigh the opinions of Drs. Spencer and Nelson. Accordingly, this court concludes that there is substantial evidence in the record to support the ALJ's determinations.

An appropriate order follows.

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JO ANNE B. BARNHART,	:	
COMMISSIONER OF SOCIAL SECURITY,	:	
Defendant.	:	

**ORDER**

**AND NOW**, this 20<sup>th</sup> day of July 2006, **IT IS HEREBY ORDERED** that:

1. Defendant's motion for summary judgment is **GRANTED**;
2. Plaintiff's motion for summary judgment is **DENIED**;
3. The Clerk of the Court shall mark this case closed.

BY THE COURT:

s/ \_\_\_\_\_

CLIFFORD SCOTT GREEN, S.J.