

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 05a1004n.06

Filed: December 21, 2005

No. 05-5352

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

ROSALYN GROSS,

Plaintiff-Appellant,

v.

SOCIAL SECURITY ADMINISTRATION,

Defendant-Appellee.

)
)
)
)
)
)
)
)
)
)
)

ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE EASTERN
DISTRICT OF KENTUCKY

OPINION

BEFORE: MARTIN, COLE, and GILMAN, Circuit Judges

PER CURIAM. Plaintiff-Appellant Rosalyn Gross applied for disability insurance benefits in October 2002. On April 19, 2004, the Appeals Council of the Social Security Administration upheld the decision by an Administrative Law Judge (“ALJ”) denying Gross’s application. After the Appeals Council denied Gross’s request for reconsideration, Gross submitted a letter attaching the results of a February 2004 MRI scan for the Appeals Council’s consideration. The following day, Gross filed an appeal in the United States District Court for the Western District of Kentucky.

The district court issued an order on December 30, 2004, granting the Social Security Administration’s motion for summary judgment and denying Gross’s motion for summary judgment. Subsequent to the filing of the district court’s opinion, Gross received a letter from the Appeals Council dated November 29, 2004, stating that it had received Gross’s letter forwarding her MRI report, had considered the contents of the MRI report, and had concluded that the report did not

No. 05-5352

Gross v. Social Sec. Admin.

provide a basis for changing the ALJ's decision. The Appeals Council also observed that it no longer had jurisdiction over the matter because Gross had filed suit in federal court. It stated that the letter would be "included in a supplemental transcript and filed with the court," but apparently this was never done.

Based upon her discovery that no information about her MRI report had been forwarded to the district court prior to that court rendering its decision, Gross filed a motion for relief from the district court's order pursuant to Federal Rule of Civil Procedure 60(b). The district court construed Gross's 60(b) motion as a motion under Rule 59(e) to alter or amend the judgment, and denied the motion in an order dated February 4, 2005.

Gross now appeals the district court's decision granting summary judgment in favor of the Social Security Administration and its decision denying her Rule 59(e) motion. Having reviewed both district court orders *de novo*, see *Crum v. Sullivan*, 921 F.2d 642, 644 (6th Cir. 1990); *Northland Ins. Co. v. Stewart Title Guar. Co.*, 327 F.3d 448, 454-55 (6th Cir. 2003), and upon careful review of the entire record and the parties' briefs, we conclude that the issuance of a more detailed opinion by this Court would be duplicative and would serve no useful purpose. Accordingly, we adopt the reasoning of the district court in its orders dated December 30, 2004, and February 4, 2005, and we affirm.