



United States Department of Justice

United States Attorney
Eastern District of Tennessee

Please reply to the Knoxville Office

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March 9, 2007

John D. Lee, II.
8604 Spangler Rd.
Knoxville, TN 37920


Re: John D. Lee, II, v. Social Security Administration, 3:05-CV-512 in
the United States District Court, Eastern District of Tennessee at Knoxville

Enclosed please find a copy of the Answer to the Complaint that was electronically filed by the
Commissioner of Social Security on March 9, 2007, and a copy of the administrative record that was
been filed with the court on March 9, 2007.

Sincerely,

JAMES R. DEDRICK
United States Attorney

By:


LORETTA S. HARBER

Assistant United States Attorney

Enclosure

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JOHN D. LEE, II,)	
)	
Plaintiff,)	
)	
v.)	CIV. NO. 3:05-CV-512
)	(VARLAN/SHIRLEY)
)	
MICHAEL J. ASTRUE ¹)	
Commissioner of Social Security,)	
)	
Defendant)	

ANSWER

Comes the Defendant, Michael J. Astrue, Commissioner of Social Security, by and through James R. Dedrick, United States Attorney for the Eastern District of Tennessee, and for answer to the complaint of Plaintiff says:

1. Regarding Paragraph 1, Defendant admits the allegation that Plaintiff applied for Supplemental Security Income ("SSI") and further admits that this Court has jurisdiction to review the Commissioner's decision regarding Plaintiff's entitlement to SSI benefits, but Defendant denies that Plaintiff applied for Social Security Disability benefits. The claim before this Court is exclusively about Plaintiff's entitlement to SSI benefits.

2. Defendant admits Paragraphs 2 through 6.

3. Paragraphs 7 and 8 of Plaintiff's complaint states legal conclusions to which no responsive pleading is required. To the extent the Court deems a response necessary, Defendant denies the same.

¹On February 12, 2007, Michael J. Astrue became the Commissioner of Social Security. In accordance with Fed. R. Civ. P. 25(d)(1) and the last sentence of 42 U.S.C. § 405(g), Michael J. Astrue is, therefore, automatically substituted as the Defendant in this civil action, and no further action is necessary to continue this case.

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4. The remainder of Plaintiff's complaint represents a Prayer for Relief to which no responsive pleading is required. To the extent that the Prayer for Relief is deemed to allege facts to which a response is required, Defendant denies the allegations.

5. Defendant denies all other allegations of Plaintiff's complaint not specifically admitted.

6. In accordance with section 205(g) of the Social Security Act, 42 U.S.C. 405(g), Defendant files as part of his answer a certified copy of the transcript of the record including evidence upon which the findings and decisions complained of are based.

DEFENSES

1. The Court lacks personal jurisdiction over Defendant due to insufficiency of process.
2. The Court lacks personal jurisdiction over Defendant due to insufficient service of process.

Respectfully submitted,

JAMES R. DEDRICK
United States Attorney

By: s/Loretta S. Harber
LORETTA S. HARBER (BP #007221)
Assistant U.S. Attorney
800 Market Street, Suite 211
Knoxville, Tennessee 37902
(865)545-4167

JOHN J. LEE
Special Assistant U.S. Attorney
H. BPR No. 6207300
Social Security Administration
200 West Adams St., 30th Floor
Chicago, IL 60606
312-353-9215

Of Counsel for the Defendant:

Lee v. Astruc

Donna L. Calvert
Regional Chief Counsel

John L. Martin, Assistant Regional Counsel
Office of the General Counsel
Social Security Administration
200 West Adams Street-30th Floor
Chicago, Illinois 60606

CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2007, a copy of the foregoing Answer was electronically

filed. Notice of this filing will be sent by regular U.S. mail to pro se Plaintiff. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ Loretta S. Harber
TN BP#: 007221
Assistant U.S. Attorney
800 Market Street
Suite 211
Knoxville, TN 37902

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JOHN D. LEE, II,)	
)	
Plaintiff,)	
)	
v.)	CIV. NO. 3:05-CV-512
)	(VARLAN/SHIRLEY)
)	
MICHAEL J. ASTRUE ¹)	
Commissioner of Social Security,)	
)	
Defendant,)	

NOTICE OF MANUAL FILING

Please take notice that Defendant, Commissioner of Social Security, has manually filed in the above-styled case the following document:

Transcript of the administrative record.

This transcript has not been filed electronically because the Court's ECF Rules and Procedures provide such documents are to be filed manually. Plaintiff has been served with a

¹On February 12, 2007, Michael J. Astruc became the Commissioner of Social Security. In accordance with Fed. R. Civ. P. 25(d)(1) and the last sentence of 42 U.S.C. § 405(g), Michael J. Astruc is, therefore, automatically substituted as the Defendant in this civil action, and no further action is necessary to continue this case.

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copy of the administrative record in this case by sending it through the U.S. mail.

Respectfully submitted,

JAMES R. DEDRICK
United States Attorney

By: s/Loretta S. Harber
LORETTA S. HARBER (BP 4007221)
Assistant U.S. Attorney
800 Market Street, Suite 211
Knoxville, Tennessee 37902
(865)545-4167

CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2007, a copy of the foregoing Notice of Manual Filing was electronically filed. Notice of this filing will be sent by regular U.S. mail to the pro se plaintiff. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ Loretta S. Harber
TN BP#: 007221
Assistant U.S. Attorney
800 Market Street
Suite 211
Knoxville, TN 37902

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JOHN D LEE, II,)	
)	
Plaintiff,)	
)	
v.)	CIV. NO. 3:05-CV-512
)	(VARLAN/SHIRLEY)
MICHAEL J. ASTRUE ¹)	
Commissioner of Social Security,)	
)	
Defendant.)	

NOTICE OF APPEARANCE

The undersigned Special Assistant U.S. Attorney, John J. Lee, hereby makes his appearance as co-counsel in this case on behalf of the defendant, Michael J. Astrue, Commissioner of Social Security. The undersigned is a registered user of the Electronic Case Filing system in the Eastern District of Tennessee. All further pleadings, notices and orders regarding the above-captioned case, in addition to being served upon Assistant U.S. Attorney Loretta S. Harber, should also be served on the undersigned.

¹On February 12, 2007, Michael J. Astrue became the Commissioner of Social Security. In accordance with Fed. R. Civ. P. 25(d)(1) and the last sentence of 42 U.S.C. § 405(g), Michael J. Astrue is, therefore, automatically substituted as the Defendant in this civil action, and no further action is necessary to continue this case.

Lee v. Astrue

By: Respectfully submitted

JAMES R. DEDRICK
United States Attorney

s/John J. Lee
JOHN J. LEE
Special Assistant U.S. Attorney
IL BPR No. 6207300
Social Security Administration
200 West Adams St., 30th Floor
Chicago, IL 60606
312-353-9215

CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2007, a copy of the foregoing Notice of Appearance was electronically filed. Notice of this filing will be sent by regular U.S. mail to the pro se plaintiff. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/John J. Lee
JOHN J. LEE
Special Assistant United States Attorney