

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50306
Summary Calendar

ADOLPH R. VASQUEZ,

Plaintiff-Appellant,

versus

KENNETH S. APFEL,
Commissioner of Social Security,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-96-CV-226
- - - - -

January 12, 1998

Before JONES, SMITH and STEWART, Circuit Judges.

PER CURIAM:*

Adolph R. Vasquez appeals the district court's judgment for the Commissioner in his action pursuant to 42 U.S.C. § 405(g) for review of the decision denying him a period of disability, disability insurance benefits, and Supplemental Security Income.

Vasquez contends that the Commissioner erred in rejecting his subjective complaints of disabling pain and by including a sit/stand option in a finding that Vasquez could perform

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

sedentary work. The Commissioner's assessment of Vasquez's severe pain complaints was supported by substantial evidence. See *Anthony v. Sullivan*, 954 F.2d 289, 292 (5th Cir. 1992). The record lacks clinical and laboratory findings that support Vasquez's assertions that his pain is in fact disabling. See *Selders v. Sullivan*, 914 F.2d 614, 618-19 (5th Cir. 1990).

Regarding the sit/stand option and sedentary work, the Commissioner credited the testimony of the vocational expert and gave it significant weight. *Cf. Scott v. Shalala*, 30 F.3d 34-35 (5th Cir. 1994) (Commissioner erred by applying the medical-vocational guidelines because the guidelines did not coincide exactly with the record evidence of disability and Commissioner's mere passing reference to the vocational expert's testimony was insufficient).

AFFIRMED.