

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-60472  
Summary Calendar

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JIMMY MCFARLAND,

Plaintiff-Appellant,

versus

KENNETH S. APFEL,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

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Appeal from the United States District Court for the  
Northern District of Mississippi  
USDC No. 1:96-CV-222-SB

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April 2, 1998

Before GARWOOD, JONES and STEWART, Circuit Judges.\*

PER CURIAM:

Jimmy McFarland appeals from the district court's decision affirming the Commissioner of Social Security's determination that McFarland is not disabled within the meaning of the Social Security Act. He argues that the Administrative Law Judge (ALJ) improperly

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\*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 R. 47.5 the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

used the Medical-Vocational Guidelines, rather than relying on vocational expert testimony, in concluding that McFarland could perform medium work. Our review of the record and arguments reveals no error. The ALJ's finding that pain did not constitute a nonexertional impairment significantly affecting McFarland's residual functional capacity for the full range of medium work is supported by substantial evidence. Accordingly, the ALJ was entitled to rely exclusively on the Medical-Vocational Guidelines. See *Fraga v. Bowen*, 810 F.2d 1296, 1304 (5th Cir. 1987).

AFFIRMED