

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-5280

RAMONA STINE,

Plaintiff-Appellant,

versus

U.S. SECRETARY OF HEALTH AND
HUMAN SERVICES,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana

(2:91-CV-2617)

(July 11, 1994)

Before POLITZ, Chief Judge, DUHÉ and BARKSDALE, Circuit Judges.

PER CURIAM:*

This matter is on appeal by Ramona Stine of the denial of her claim for disability insurance benefits. She initially alleged physical grounds but offered some evidence of mental impairment. The Administrative Law Judge determined that Stine was incapable of

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

performing past relevant work but had the residual functional capacity to perform the full range of sedentary work. The ALJ was querulous of the extent of the suggestion of mental impairment.

On review the Social Security Appeals Council vacated and remanded with instructions that a vocational expert was to review the matter and testify whether Stine's mental condition impacted her ability to engage in work which would determine her entitlement to disability benefits.

On remand, in a hearing before a different ALJ, a vocational expert testified that, absent a finding that Stine was impaired in her ability to work in proximity to or respond appropriately to co-workers or supervisors, she would be able to do sedentary jobs existing in a range of 10,000 to 20,000 in each region of the country. Considering the medical testimony in the record, the testimony of the vocational expert, and the testimony of Stine, the ALJ found that Stine had not shown an inability to work near and with and respond appropriately to co-workers and supervisors and, although she suffered from a mental impairment, she did not qualify for disability benefits as a consequence thereof. Affirmed by the Appeals Council, Stine sought judicial review. Her petition was denied.

After considering the briefs and pertinent parts of the record, and finding substantial evidence in the record supporting the Secretary's decision, the judgment of the district court is AFFIRMED.