UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7578
Summary Calendar

EVELYN N. TRIMBLE,

Plaintiff-Appellant,

VERSUS

DONNA SHALALA,
Secretary of Health
& Human Services,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Mississippi
(CA-EC90-126-D-D)

April 16, 1993

Before JOLLY, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Evelyn N. Trimble appeals the district court's final judgment in favor of the Secretary of Health and Human Services in her action for review, pursuant to 42 U.S.C. § 405(g), of the Secretary's determination that her entitlement to a period of disability and disability insurance benefits, under 42 U.S.C. §§ 416(i) & 423, respectively, ended effective March 1982. We **AFFIRM**.

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* Local Rule 47.5.1 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 Pursuant to that rule, the court has determined that this opinion should not be published.

I.

Trimble first applied for disability benefits in February 1979. In October 1980, an administrative law judge (ALJ) found that, due to rheumatoid arthritis, Trimble was precluded from engaging in substantial gainful activity at any level of exertion, and granted her application for benefits. In 1982, however, pursuant to a continuing disability review, it was determined that Trimble had regained her ability to engage in substantial gainful employment, rendering her no longer disabled. That determination was affirmed in all stages of administrative review. Trimble then filed an action for review in district court, and, in August 1984, that court remanded to the Secretary for further consideration.

Because of changes in the law affecting review of such claims, further proceedings were delayed until January 1988. Ultimately, it was again determined that Trimble's disability ended in 1982. Trimble requested a *de novo* hearing before an ALJ, which was held in May 1989. Additionally, the ALJ considered Trimble's new application for benefits, which she had filed in January 1988. The ALJ found that her condition had improved as of January 1982, rendering her capable of performing the full range of light work. In April 1990, the Appeals Council denied Trimble's request for review, making the ALJ's decision the final decision of the Secretary.

Having exhausted all administrative remedies, Trimble brought this action in June 1990. The magistrate judge to whom the case was referred recommended remanding to the Secretary for

continuation of benefits. Following a thorough review of the record, however, the district court overruled the report and recommendation, and affirmed the ALJ's denial of benefits.

II.

The only issue presented is whether the ALJ erred in giving less weight to the opinion of Trimble's treating physician than to that of a consulting physician who examined Trimble only once. Our review is limited to determining (1) whether the Secretary applied the proper legal standards, and (2) whether the Secretary's decision is supported by substantial evidence on the record as a whole. ***Anthony v. Sullivan***, 954 F.2d 289, 292 (5th Cir. 1992). Although ordinarily, the opinions, diagnoses, and medical evidence of a treating physician should be accorded considerable weight in determining disability, ***Scott v. Heckler***, 770 F.2d 482, 485 (5th Cir. 1985), they are not, as a matter of law, entitled to greater weight than those of consulting physicians, ***Adams v. Bowen***, 833 F.2d 509, 512 (5th Cir. 1987). An ALJ may give less weight to a treating physician's opinion when "there is good cause shown to the contrary", as when the statement regarding disability is "so brief and conclusory that it lacks strong persuasive weight", is "not supported by medically acceptable clinical laboratory diagnostic techniques", or is "otherwise unsupported by the evidence". ***Scott***, 770 F.2d at 485.

Among other medical evidence, the ALJ considered the opinions of Dr. Lowell Robison, Trimble's treating physician of 11 years, and Dr. Jere Disney, an orthopedic surgeon who examined Trimble in

April 1988. In a letter dated March 17, 1989, Dr. Robison opined that Trimble was "totally and permanently disabled from performing any type of gainful employment", due to chronic polyarthritis involving the cervical spine, the neck, and ligaments and tendons of multiple joints, which restricted her neck, shoulder, arm, and hand motion, and her ability to ambulate and climb stairs. In contrast, Dr. Disney's examination revealed a full range of motion in the neck, shoulders, elbows, wrists, and hands, with a good range of motion in the lumbosacral spine. He noted that Trimble walked with a normal gait and did not limp, and that X-rays showed only slight changes in her spine. Dr. Disney diagnosed neck and back myofascial pain syndrome and slight degenerative arthritis of the cervical and lumbar spine, and stated: "In my opinion, [Trimble] could be employable for at least light work which did not involve significant lifting, bending or stooping".

The ALJ rejected Dr. Robison's opinion in favor or Dr. Disney's, stating that Dr. Robison had seen Trimble only sporadically since September 1983, and that "his records do not reveal any detailed descriptions of objective findings that would support [his] conclusion".

We have reviewed Dr. Robinson's records, and agree with the district court that they are "brief, undetailed, and scant in comparison to the other medical evidence in the record". Generally, they contain only subjective reports of pain, muscle spasms, and tenderness, without reference to specific limitations or observable findings, other than two spinal X-rays, made in May

1985 and January 1986, revealing "changes compatable [sic] with early OA [osteoarthritis]" and "some OA". Having thoroughly reviewed the record as a whole, we conclude that the ALJ did not apply an incorrect legal standard in rejecting Dr. Robison's opinion, and that the Secretary's finding is supported by substantial evidence.

III.

For the foregoing reasons, the judgment is

AFFIRMED.