

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-7312  
Summary Calendar

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BETTY R. MILLER,

Plaintiff-Appellant,

versus

SECRETARY OF HEALTH & HUMAN SERVICES,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
(CA EC 91-260-B-O)

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(February 24, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Appellant Miller challenges on a variety of grounds the decision of the magistrate judge, adopted by the district court, that affirmed the Secretary's decision denying her applications for disability insurance benefits and Supplemental Security Income. We find no error and affirm.

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\* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

There is little to be added to the magistrate judge's conscientious evaluation of the record in this case. We agree with his conclusion that in a third look at the case (following two remands), the ALJ applied the proper standards and reached a decision that is founded in substantial evidence.

Among appellant's many physical complaints, her most serious were related to a possible herniated disk that caused pain in her lower back and legs. The ALJ found, however, that her complaints of pain were disproportionate to the objective medical evidence. Consequently, although the ALJ assumed that appellant might not be able to perform her previous work as an industrial sewing machine operator, an occupation that required use of her feet, but she found that she could perform other types of sedentary light work. His conclusion that other employment existed in the economy for appellant was supported by the testimony of a vocational expert. Numerous physicians had looked at appellant's back problem and concluded it should be treated conservatively.

Appellant makes a few statements that we will specifically comment upon. First, appellant suggests that "all the plaintiff had to do was link her problem to a medically determinable impediment and there is no doubt but what she did this . . ." The ALJ was, however, entitled to evaluate the credibility of appellant's complaints of pain. Anderson v. Sullivan, 887 F.2d 630, 632, 634 (5th Cir. 1989). Thus, the fact that there were medical findings that would suggest a basis for some complaints of pain does not prove that the pain was so severe

as to be disabling. This court does not substitute its judgment for that of the Secretary.

Second, the vocational expert responded carefully to the ALJ's carefully posed hypotheticals, and it was up to the ALJ to decide which set of conditions more accurately reflected appellant's ability to work. The expert did not testify improperly.

Third, the record plainly shows that the ALJ evaluated both exertional and non-exertional impairments and did so under the proper legal standard in reaching his decision.

AFFIRMED.