IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 94-10325
Summary Calendar

ALFREDO ALVARADO,

Plaintiff-Appellant,

versus

DONNA E. SHALALA, Secretary
of Health & Human Services,

Defendant-Appellee.

Appeal from the United States District Court for
the Northern District of Texas
(3:93-CV-858-D)

(October 6, 1994)

Before REAVLEY, DAVIS and DeMOSS, Circuit Judges.

PER CURIAM:[*]

Alfredo Alvarado appeals the district court's grant of summary judgment in favor of the Secretary of Health and Human Services (the "Secretary"), affirming the denial of his application for social security disability benefits. We affirm.

---

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

BACKGROUND

Alvarado worked as a farm laborer, truck driver and welder until he was hospitalized and diagnosed with a serious heart problem in February, 1991. Alvarado then discontinued his employment and was placed on medication to control his illness.

Alvarado filed for disability benefits and supplemental security income on March 11 and April 16, 1991. Benefits were denied. Alvarado sought judicial review, and the district court granted the Secretary's motion for summary judgment.

DISCUSSION

To be entitled to disability benefits, an applicant must show that he is unable "to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment." 42 U.S.C. § 423(d)(1)(A) (1991). Even if an applicant has a physical or mental impairment, he is not disabled if he can perform his previous job or if the Secretary shows that he can perform other employment available in the national economy. 42 U.S.C. § 423 (d)(2)(A) (1991). Appellate review of the Secretary's denial of disability benefits is limited to determining whether the decision is supported by substantial evidence in the record and whether the proper legal standards were used in evaluating the evidence. Hollis v. Bowen, 837 F.2d 1378, 1382 (5th Cir. 1988).

The ALJ found that Alvarado did have a work-limiting impairment and that he could not return to his past employment. But, the ALJ found that Alvarado retained the capacity to perform

"light" work as defined in 20 C.F.R. § 416.967(b) (1994). Based upon Alvarado's capacity to perform light work and other relevant factors, the ALJ concluded that Alvarado was not disabled, because he could perform other work which existed in the economy.

Substantial evidence supports the ALJ's decision that Alvarado can still perform the full range of light work. Light work entails some lifting and significant walking or standing. Id. The record shows that Alvarado can engage in "substantially all" of these activities, which is all that is required. Id. According to Alvarado's physician, the medication has controlled his symptoms of cardiac dysfunction. Alvarado is able to lift his eleven pound baby daughter. He attends church several times a week and drives to friends' homes for religious discussions. He sells produce from a truck, cleans and vacuums his home, and engages in other activities.

Alvarado's treating physician concluded that Alvarado was disabled and could not exert himself. As the ALJ found, those findings were contradicted by evidence of Alvarado's ability to engage in a variety of activities consonant with the ability to perform light work. The opinion of even a treating physician does not have controlling weight when it is inconsistent with other evidence in the record. 20 C.F.R. § 404.1527(d)(2) (1994); see Spellman v. Shalala, 1 F.3d 357, 364-65 (5th Cir. 1993).

Upon finding that Alvarado had the residual capacity for the full range of light work, the ALJ properly depended exclusively on medical-vocational rules 202.16 and 202.19 to conclude that

Alvarado was not disabled. 20 C.F.R. subpt. P, app. 2, §§ 202.16, 202.19 (1994). Rules 202.16 and 202.19 apply to claimants of Alvarado's age, education, and vocational skills, who have the capacity to engage in light work. Since Alvarado's characteristics correspond exactly to the criteria in these two medical-vocational rules, the rules dictate a "not disabled" classification. The correlation allows the ALJ to rely on the rules to conclude that other work is available in the national economy which Alvarado can perform. 20 C.F.R. § 404.1569 (1994); Fraga v. Bowen, 810 F.2d 1296, 1304 (5th Cir. 1987). Expert vocational testimony or other evidence of the existence of available jobs is unnecessary. Fraga, 810 F.2d at 1304.

The ALJ properly concluded that Alvarado did not have any nonexertional impairments which would prevent direct application of the medical-vocational rules. The medical-vocational rules serve only as a guide where a claimant has nonexertional, as well as exertional, impairments if the nonexertional impairments affect his ability to perform available employment. 20 C.F.R. § 416.969a(a)-(d) (1994); see Fraga, 810 F.2d at 1304. The record shows that Alvarado's condition and medication caused him to suffer fatigue and tension. However, no nonexertional impairments prevent him from engaging in daily activity or affect his ability to perform light work employment.

AFFIRMED.