UNITED STATES COURT OF APPEALS

for the Fifth Circuit

No. 94-20826
Summary Calendar

DONALD REICHERT,

Plaintiff-Appellant,

VERSUS

SHIRLEY S. CHATER, Secretary
of Health and Human Services,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
(CA H 93 1624)

June 29, 1995

Before DUHÉ, WIENER, and STEWART, Circuit Judges.

PER CURIAM:[1]

Donald Reichert appeals the denial of his application for disability benefits after October 2, 1986. He contends that the Secretary erroneously applied the Medical-Vocational Guidelines, failed to prove that Reichert was capable of performing gainful employment, failed to consider the opinions of four treating

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

physicians, and that the decision is not supported by substantial evidence. We affirm.

Appellant argues that the ALJ erred in relying on the guidelines because the ALJ determined that Appellant could not perform the full range of sedentary work, a requirement in applying the guidelines. See Scott v. Shalala, 30 F.3d 33, 34 (5th Cir. 1994). However, the record makes clear that the ALJ did not rely exclusively on the guidelines but also relied on the testimony of vocational experts to determine that there were available jobs Appellant could perform. See Tr. p. 30-31. Reliance on the guidelines and vocational expert testimony is not error. See 20 C.F.R. Subpt. P. App. 2 § 200(d) (1993).

Next Appellant contends that the ALJ did not have the vocational experts consider how each of Appellant's limitations affected his ability to do the listed jobs, and that the hypothetical question to the vocational experts did not refer to Appellant's mental impairment insofar as it would preclude him from sustaining employment for a long period of time. The record belies both of these contentions. In questioning the expert at the first hearing the limitations under which Reichert would be required to perform a job were listed. Tr. 74. On the same page of the transcript we find a hypothetical which was appropriate and on this and the following page the expert listed the applicable jobs. On page 75 the expert dealt with the need to maintain concentration on the job. On the second hearing the hypothetical questioning of Dr. Cox specifically dealt with the limitations. Tr. p. 93-94. These

questions covered all the limitations, including the possibility that Appellant could not work an eight hour day.

The complaint that substantial evidence does not support the finding that Appellant could maintain employment for a significant period is likewise incorrect. Tr. p. 25. The ALJ considered the opinions of Doctors Masel and Hershkowitz that Appellant could work only a six or seven hour day. However, he determined that these assessments were not supported by the objective clinical evidence in the record. We find no error in that determination. See Bradley v. Bowen, 809 F.2d 1054, 1057 (5th Cir. 1987); Greenspan v. Shalala, 38 F.3d 232, 237 (5th Cir. 1994), cert. denied, 63 U.S.L.W. 3818 (U.S. May, 15, 1995).

Appellant's contention that the ALJ did not consider the opinions of four treating physicians is not persuasive because, although those physicians are not mentioned by name, the record shows that their opinions were considered. Tr. p. 21-24. Additionally, their reports were not contrary to the ALJ's determinations.

In his reply brief Appellant argues for the first time that the ALJ failed to consider the impact of Appellant's blindness in one eye on his ability to do the sedentary jobs. This court does not review issues initially raised in a reply brief. United States v. Prince, 868 F.2d 1379, 1386 (5th Cir.), cert. denied, 493 U.S. 932 (1989).

AFFIRMED.