

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-41307  
Summary Calendar

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CREOLA THOMAS,

Plaintiff-Appellant,

versus

DONNA SHALALA, Secretary of the  
Department of Health and Human Services,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Louisiana  
(93 CV 1637)

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August 16, 1995

Before DAVIS, JONES and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Appellant Creola Thomas has apparently filed several applications for social security disability benefits. In her most recent application, filed October 1, 1991, she alleged that she suffers from disabling seizures, hypertension, hemorrhoids, pain, ulcers, anxiety, headaches and limited intellectual functioning. The ALJ, affirmed by the appeals council, concluded that her

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

complaints of pain were not substantiated by her objective medical symptoms, declined to consider medical evidence relevant to previous unsuccessful applications for benefits, and found Ms. Thomas capable of sedentary employment. From the denial of benefits, she appealed unsuccessfully to the district court and now to this court. Finding no error, we affirm.

Ms. Thomas's legal and evidentiary points on appeal are straightforward and readily refuted.

1. Thomas contends that the ALJ should have decided that her limited intellectual abilities meet or equal one of the listed impairments. This is incorrect for at least two reasons. First, she alleged mental limitations as a basis for her previous application, and the ALJ properly determined that the earlier denial of benefits constituted administrative res judicata. Muse v. Sullivan, 925 F.2d 785, 787, n.1 (5th Cir. 1991). Second, Dr. Kutz's psychiatric/psychological exam furnished no strong evidence of mental impairments. On the contrary, he believed she might be manipulating the tests.

2. Thomas asserts that the ALJ did not consider her mental impairments taken together with her additional claimed impairments. Her evidence, however, is solely subjective in nature. None of the doctors who examined Ms. Thomas found her disabled. Her seizures and high blood pressure can be controlled by medication. There was reason to believe that her complaints of disabling pain are inconsistent with her objective medical condition. Although the ALJ's decision is briefer than in many

cases, it is evident that he weighed both the exertional and non-exertional claims asserted by Thomas.

3. Thomas asserts that the ALJ's reliance on the grids in finding her not disabled was erroneous. This is incorrect. Because the ALJ properly found that Thomas's non-exertional complaints were not supported by the record to the extent alleged, he was not required to consider their effect on her ability to work.

In sum, the ALJ properly considered all of the relevant evidence, formulated conclusions that are supported by substantial evidence, and applied the applicable legal guidelines. There is no basis on which to reverse his decision.

AFFIRMED.