

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 94-60504
Summary Calendar

MELVIN HORNE,

Plaintiff-Appellant,

VERSUS

DONNA SHALALA, Secretary, United States
Department of Health and Human Services,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
(4:93-CV-91-LN)

(March 2, 1995)

Before DUHÉ, WIENER, and STEWART, Circuit Judges.

PER CURIAM:¹

Horne appeals the district court's affirmance of the Secretary's denial of his claim for social security disability benefits. We affirm.

Employing the usual five-step process, the Secretary determined that, although Horne suffered a severe physical impairment, he remained able to perform certain of his past relevant work and was, therefore, not disabled. Horne claims this decision is not supported by substantial evidence as to his

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

impairment to perform routine repetitive tasks; as to his ability to perform certain jobs; and the availability of those jobs to him. He also maintains that the Secretary's decision that his complaints of pain are not adequately supported by substantial objective medical evidence is erroneous.

Our review is limited to determining whether the record as a whole shows that the Secretary's decision is supported by substantial evidence and whether the Secretary applied the proper legal standards. Anthony v. Sullivan, 954 F.2d 289, 292 (5th Cir. 1992). We do not reweigh the evidence nor try the issues de novo, as conflicts in the evidence are for the Secretary and not for the courts to resolve. Selders v. Sullivan, 914 F.2d 614, 617 (5th Cir. 1990).

We will not recount the evidence here. Our examination of the record, however, convinces us that the Secretary's decision is more than adequately supported by substantial evidence. Some of that evidence is conflicting, but, as noted, the resolution of those conflicts is not this court's function. It is clear that the medical evidence does support a finding that Appellant's physical impairment does not prevent him from returning to his past relevant work as a debit insurance agent or an insurance agency supervisor. The evidence shows that he retains the residual functional capacity to perform a full range of light to sedentary work activities on a sustained basis. Likewise, although there is objective medical evidence establishing a severe physical impairment, the evidence supports a conclusion that Appellant could not reasonably be

expected to experience totally disabling pain due to this impairment. In fact, there is no evidence that his pain would be significantly precipitated or aggravated by light work activity.

AFFIRMED.