

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 94-60759  
Summary Calendar

---

LINDA G. SMITH,

Plaintiff-Appellant,

versus

SHIRLEY S. CHATER, Commissioner of Social Security,

Defendant-Appellee.

---

Appeal from the United States District Court  
for the Southern District of Mississippi  
(CA 1:91 241)

---

September 20, 1995

Before JONES, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

On appeal from the denial of supplemental security income benefits, Linda Smith contends that she suffered from a listed impairment for spinal disorders before her eligibility lapsed on June 30, 1986; that the ALJ should have followed Social Security Ruling 83-20; that the ALJ erred in holding she could return to her former light work as a cashier, waitress, and deli worker; and that

---

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

the ALJ improperly discounted her testimony of pain. None of these assertions has merit, and we affirm the denial of benefits.

1. Appellant first asserts that the ALJ should have interpreted differently the opinion of Dr. Gandy, the ALJ's consultant, who opined that Smith did not qualify under the spinal impairment listing until January 1987, approximately one year after her symptoms began. The interpretation of an expert's opinion is committed to the discretion of the ALJ, however. There is substantial evidence to support the ALJ's decision to assign Dr. Gandy's opinion little weight, while concluding that the balance of medical testimony failed to establish that Smith had an impairment or combination of impairments listed in, or medically equal to one listed in Appendix 1, Subpart P, Regulations no. 4. Although her symptoms began about four months before May 1986, she did not demonstrate a significant limitation of motion, and significant motor loss with muscle weakness and sensory and reflex loss during the period before her first operation.

2. Appellant's contention about Social Security Ruling 83-20 has been waived, as Smith did not raise this issue at the administrative level and has not exhausted administrative remedies on it. *Paul v. Shalala*, 29 F.3d 208, 210 (5th Cir. 1994).

3 and 4. Appellant takes issue with the ALJ's finding that she was able to perform her past relevant work at least through June 30, 1986. This complaint is bound up with her belief that the ALJ did not properly evaluate her testimony about her pain. The ALJ referred to all of the relevant medical evidence in

reaching his decision, which was based on the fact that Smith's symptoms did not become severe until four months before her 1986 surgery, and she did not seek additional medical treatment until two years after surgery. Essential to Smith's contention is the assertion that her complaints of pain were both credible and had to be taken at face value by the ALJ. It is not for this court to re-evaluate the credibility of Smith's testimony. The ALJ had ample opportunity to perform that job, and in so doing, he found a lack of objective medical symptoms to corroborate the "excruciating pain" that she claims to have experienced. Whether or not we would have made the same decision as fact finders is irrelevant; there is substantial evidence in the record to support the ALJ's decision. The ALJ properly articulated his reasons for discrediting Smith's subjective complaints of pain. *Abshire v. Bowen*, 848 F.2d 638, 642 (5th Cir. 1988). His conclusion that Smith remained capable of performing her past light duty work through June 30, 1986 embraces no reversible error.

For the foregoing reasons, the judgment of the district court is **AFFIRMED**.