

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-41166
Summary Calendar

HECTOR CAVAZOS,

Plaintiff-Appellant,

versus

KENNETH S. APFEL, Commissioner of Social Security,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-94-CV-219
- - - - -

November 13, 1997

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:*

Hector Cavazos appeals the district court's judgment affirming the Commissioner of Social Security's determination that Cavazos is not entitled to Disability Insurance Benefits and Supplemental Security Income benefits. Cavazos argues that the Administrative Law Judge (ALJ) erred in failing to give controlling weight to the opinion of the treating physician over the opinion of the non-examining medical advisor. We conclude that the ALJ did not err, as a matter of law, in crediting the

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

opinion of the non-examining medical advisor, which was supported by the evidence, over the opinion of Cavazos's treating physician. See Oldham v. Schweiker, 660 F.2d 1078, 1084 (5th Cir. 1981). Cavazos also argues that the ALJ failed to consider adequately his subjective complaints of pain. The record reflects that the ALJ found the medical evidence more persuasive than Cavazos's own testimony in deciding that he was capable of performing light work, which is precisely the kind of determination that the ALJ is best suited to make. See Falco v. Shalala, 27 F.3d at 160, 163-64 (5th Cir. 1994). Finally, notwithstanding Cavazos's contrary assertion, substantial evidence supports the ALJ's determination that he has the residual functional capacity to perform the full range of light work. See Villa v. Sullivan, 895 F.2d 1019, 1021 (5th Cir. 1990).

AFFIRMED.