

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50120
Summary Calendar

CORINA LUNA,

Plaintiff-Appellant,

versus

KENNETH S. APFEL, COMMISSIONER OF SOCIAL
SECURITY,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-97-CV-179
- - - - -

June 15, 1999

Before DAVIS, DUHE', and PARKER, Circuit Judges.

PER CURIAM:*

Corina Luna appeals the district court's affirmance of the Social Security Commissioner's decision to deny her Social Security benefits. She argues that the administrative law judge did not consider all of Luna's impairments (in particular her headaches and fatigue) in determining her residual functional capacity, did not pose a complete hypothetical to the vocational expert, and did not properly consider the report of the psychologist who conducted one of the psychiatric evaluations for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Luna's application for benefits.

We review the ALJ's decision to deny benefits by determining

- 1) whether the ALJ applied the correct legal standards and
- 2) whether his decision is supported by substantial evidence.

Falco v. Shalala, 27 F.3d 160, 162 (5th Cir. 1994). Our review of the record reveals that the ALJ considered Luna's complaints of fatigue and headaches, that the ALJ credited the conclusions of the doctor who testified at the hearing over Luna's subjective complaints, and that the ALJ employed correct legal standards in determining Luna's residual functional capacity.

Furthermore, the ALJ considered the psychiatric report of Raymond Henke and weighed it against the testimony of the doctor who testified at the hearing.

The ALJ applied correct legal standards, and his decision was based upon substantial evidence. The district court thus properly affirmed the Commissioner's decision to deny Luna Social Security benefits.

AFFIRMED.