

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-2131

Carolyn Hughes,	*	
	*	
Plaintiff - Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	Northern District of Iowa.
Jo Anne B. Barnhart, Commissioner of	*	
the Social Security Administration,	*	[UNPUBLISHED]
	*	
Defendant - Appellee.	*	

Submitted: December 11, 2002

Filed: March 6, 2003

Before MCMILLIAN, GIBSON, and BYE, Circuit Judges.

PER CURIAM.

Carolyn Hughes appeals the district court's¹ decision affirming the Commissioner's denial of social security disability benefits. We affirm.

¹The Honorable John A. Jarvey, United States Magistrate Judge for the Northern District of Iowa, presiding by consent of the parties pursuant to 28 U.S.C. § 636(c).

Hughes, born May 12, 1962, is a high school graduate with an associate of applied science degree from a medical assistant program. She has worked as an administrative clerk, accounting clerk, office clerk, nursing assistant, ward clerk and medical records clerk. On November 20, 1996, Hughes sustained a work-related low back injury and received medical treatment including, among other modalities, medications, physical therapy, an exercise program and a low back rehabilitation program. Hughes's medical records indicate that at times her pain and ability to function improved, while at other times she noted an increase in symptoms. Over time, Hughes developed diffuse persistent pain, leading to a diagnosis of fibromyalgia and chronic pain syndrom.

Between November 20, 1996, and October 31, 1997, Hughes worked intermittently on a part-time basis. She supplemented her income by drawing on accrued leave, workers compensation, and unemployment benefits, and had a reported income for 1997 of \$7,074.99. Despite encouragement from her treating physicians, who repeatedly recommended she continue to work within her limitations, Hughes did not work after November 1, 1997.

On November 11, 1997, Hughes applied for social security disability benefits citing cirrhosis of the liver (non-alcoholic), chronic back pain resulting from a back injury, and fibromyalgia. The application was denied initially and also upon reconsideration. On April 5, 2000, a hearing was held before an administrative law judge (ALJ) who affirmed the denials. The ALJ determined Hughes was not eligible for disability benefits for the period between November 20, 1996, and October 31, 1997, because she had engaged in substantial gainful activity between those dates. The ALJ discounted Hughes's testimony regarding the severity of her pain, and found she could no longer perform any of her past relevant work, but retained sufficient residual functional capacity (RFC) to perform other jobs that existed in significant numbers in the national economy. The Appeals Council denied further review, and the district court granted summary judgment to the Commissioner. On appeal to this

court, Hughes argues the ALJ erred by finding she had engaged in substantial gainful activity between November 20, 1996, and October 31, 1997. Hughes also argues the ALJ improperly discounted her pain complaints and the opinions of her treating physicians in determining she could perform other jobs that existed in significant numbers in the national economy.

Our scope of review is narrow. "We will affirm the ALJ's findings if supported by substantial evidence on the record as a whole." Beckley v. Apfel, 152 F.3d 1056, 1059 (8th Cir. 1998). "Substantial evidence is less than a preponderance, but enough that a reasonable mind might accept it as adequate to support a decision." Id. We find the decision is supported by substantial evidence and affirm for the reasons given by the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.