

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 08-3636

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Jane Y. Cloyed,

Appellant,

v.

Michael J. Astrue,  
Commissioner of Social Security,

Appellee.

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\* Appeal from the United States  
\* District Court for the Southern  
\* District of Iowa.  
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\* [UNPUBLISHED]  
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Submitted: December 7, 2009  
Filed: December 10, 2009

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Before BYE, BOWMAN, and BENTON, Circuit Judges.

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PER CURIAM.

Jane Y. Cloyed appeals the district court's<sup>1</sup> order affirming the cessation of disability insurance benefits and supplemental security income. Cloyed alleged disability since September 2003 from migraines, pheochromocytoma, chronic obstructive pulmonary disease (COPD), problems following hand surgery, "blackouts," and heart palpitations. After an August 2006 hearing, where Cloyed was counseled, an administrative law judge (ALJ) determined that (1) Cloyed's

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<sup>1</sup>The Honorable Charles Wolle, United States District Judge for the Southern District of Iowa.

pheochromocytoma, migraines, finger pain, and COPD were severe impairments, but they were not of listing-level severity alone or combined; (2) her statements as to the intensity, persistence, and limiting effects of her impairments after August 31, 2005, were not entirely credible; (3) based on the testimony of a vocational expert (VE) in response to a hypothetical the ALJ posed, from the alleged date of onset through August 31, 2005, Cloyed's residual functional capacity (RFC) precluded all work; but (4) based on the VE's testimony in response to a revised hypothetical--based in turn on a revised RFC as of August 31, 2005, when the ALJ found medical improvement related to the ability to work--Cloyed could perform certain jobs existing in significant numbers regionally and nationally. The Appeals Council denied review, and the district court affirmed.

Contrary to Cloyed's assertions on appeal, we conclude that substantial evidence supports the ALJ's determination that after August 31, 2005, there was medical improvement in Cloyed's migraines and episodes of heart palpitations with syncope (arising from her pheochromocytoma), and that such improvement was related to her ability to work. See Van Vickle v. Astrue, 539 F.3d 825, 828 & n. 2 (8th Cir. 2008) (standard of review); see also Delph v. Astrue, 538 F.3d 940, 945-46 (8th Cir. 2008) (medical-improvement standard requires ALJ to compare claimant's current condition with condition existing at time she was found disabled; requisite steps in medical-improvement determination), cert. denied, 129 S. Ct. 1999 (2009). We also reject Cloyed's related challenge to the hypothetical the ALJ posed to the VE. See Williams v. Barnhart, 393 F.3d 798, 804 (8th Cir. 2005) (proper hypothetical sets forth impairments supported by substantial evidence and accepted as true by ALJ). Accordingly, we affirm.

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