

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-4008

Lyle Robinson,

Plaintiff - Appellant,

v.

Kenneth S. Apfel, Commissioner,
Social Security Administration,

Defendant - Appellee.

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Appeal from the United States
District Court for the
District of South Dakota.

[UNPUBLISHED]

Submitted: April 15, 1998

Filed: June 8, 1998

Before LOKEN and LAY, Circuit Judges, and PRATT,* District Judge.

PER CURIAM.

Lyle Robinson applied for social security disability and supplemental security income benefits on October 18, 1994, alleging a disability onset date of September 2, 1992. Following a hearing, the Commissioner's administrative law judge denied the application, finding that Robinson cannot perform his past work but has the residual functional capacity to perform jobs that exist in significant numbers in the economy,

*The HONORABLE ROBERT W. PRATT, United States District Judge for the Southern District of Iowa, sitting by designation.

such as dispatcher, order clerk, and gate guard. Robinson has a herniated disc in his back, which the ALJ found to be a severe impairment, curvature of the spine resulting from radiation treatment for kidney cancer when he was three years old, and various lesser impairments. Critical to the ALJ's adverse decision was his finding that Robinson's subjective complaints of disabling pain were "inconsistent, exaggerated, and not fully credible." The Commissioner's Appeals Council denied review, and Robinson sought judicial review.

The district court¹ granted summary judgment in favor of the Commissioner, concluding that substantial evidence on the record as a whole supports the ALJ's decision, including his finding that Robinson's testimony as to disabling pain was not entirely credible. Robinson appeals. Having carefully reviewed the administrative record and the parties' contentions on appeal, we affirm for the reasons stated in the district court's thorough Memorandum Opinion and Order dated October 1, 1997. See 8th Cir. Rule 47B. To the extent Robinson raises a challenge to the vocational expert's testimony not presented to the district court, we conclude that contention is without merit.

A true copy.

Attest:

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

¹The HONORABLE RICHARD H. BATTEY, Chief Judge of the United States District Court for the District of South Dakota.