

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

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No. 98-2654

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John T. Reisenauer,  
  
Appellant,

v.

Kenneth S. Apfel, Commissioner of  
Social Security,  
  
Appellee.

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

**[UNPUBLISHED]**

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Submitted: June 4, 1999  
Filed: June 17, 1999

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Before McMILLIAN, LOKEN, and MURPHY, Circuit Judges.

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PER CURIAM.

John T. Reisenauer appeals from the district court's<sup>1</sup> order affirming the denial of disability insurance benefits. We affirm.

At a hearing before an administrative law judge (ALJ), Reisenauer testified that he suffers from a low back injury and chronic pain, and has muscle spasms, spinal

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<sup>1</sup>The HONORABLE PATRICK A. CONMY, United States District Judge for the District of North Dakota.

stenosis, herniated discs, and discogenic disease. Following the hearing, the ALJ found the medical evidence failed to establish the existence of any listed impairment. Considering the factors set forth in Polaski v. Heckler, 739 F.2d 1320, 1322 (8th Cir. 1984), the ALJ discredited Reisenauer's subjective complaints of disabling pain, finding them inconsistent with the objective medical evidence, and noting that Reisenauer's pain medication, treatment, and physical therapy helped alleviate his pain and caused few side effects, and that he had not stopped working due to an impairment but because he was laid off. The ALJ concluded that Reisenauer retained the residual functional capacity to perform medium work, could perform his past relevant work which involved sedentary to light exertion, and was not disabled.

On appeal, Reisenauer argues the ALJ erred in finding his subjective complaints of pain were not credible and in concluding he could return to his past relevant work. We conclude that substantial evidence in the record supports the ALJ's decision, even considering the new evidence Reisenauer had submitted to the Appeals Council. See Nelson v. Sullivan, 966 F.2d 363, 366 (8th Cir. 1992) (standard of review).

Accordingly, we affirm.

A true copy.

Attest:

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