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Benitez v. Comm Social Security

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NOT PRECEDENTIAL

IN THE UNITED STATES COURT
OF APPEALS
FOR THE THIRD CIRCUIT

NO. 03-4380

PATRICIA BENITEZ,
Appellant

v.

*JO ANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY

*(Pursuant to Rule 43(c), F.R.A.P.)

On Appeal From the United States
District Court
For the Middle District of Pennsylvania
(D.C. Civil Action No. 01-cv-02262)
District Judge: Hon. Thomas I. Vanaskie

Submitted Pursuant to Third Circuit LAR 34.1(a)
May 25, 2004

BEFORE: ROTH and STAPLETON, Circuit Judges, and
SCHWARZER,* District Judge

(Opinion Filed June 4, 2004)

* Hon. William W. Schwarzer, United States District Judge for the Northern District of California, sitting by designation.

OPINION OF THE COURT

STAPLETON, Circuit Judge:

Appellant Patricia Benitez suffers from degenerative osteoarthritis in her cervical and lumbar spine, aortic valve disease, and depression. She appeals from an order of the District Court affirming the final decision of the Commissioner of Social Security denying her claim to Supplemental Security Income under Title XVI of the Social Security Act, 42 U.S.C. §§ 1381-1383f. We have jurisdiction under 28 U.S.C. § 1291.

Ms. Benitez raises two issues on appeal: (1) whether the ALJ complied with the requirements of *Fargnoli v. Massanari*, 247 F.3d 34, n.4 (3d Cir. 2001), and *Burnett v. Commissioner*, 220 F.3d 112, n.2 (3d Cir. 2000), in ruling at step three that Ms. Benitez's impairments did not meet or equal the listings of the regulations; and (2) whether the ALJ improperly evaluated Ms. Benitez's claim that her pain is disabling.

For the reasons set forth in the thorough and thoughtful opinion of the District Court, we will affirm. The ALJ's analysis at step three was sufficient to permit meaningful appellate review. Similarly, we can find no fault with the methodology of the ALJ's evaluation of Ms. Benitez's subjective complaints of pain. In particular, the ALJ properly relied upon the testimony regarding Ms. Benitez's extensive daily activities which constituted substantial evidence supporting his conclusion that her complaints were

not entitled to full credence.

The judgment of the District Court will be affirmed.