

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-1191**

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DELOUS LYDA BURCH, (Mr.),

Plaintiff - Appellant,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security  
Administration,

Defendant - Appellee.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Bryson City. Martin K.  
Reidinger, District Judge. (2:10-cv-00033-MR)

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Submitted: August 2, 2012

Decided: August 13, 2012

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Before WILKINSON, MOTZ, and THACKER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Vonno Lamar Gudger, III, GUDGER & GUDGER, P.A., Asheville, North  
Carolina, for Appellant. Anne M. Tompkins, United States  
Attorney, Charlotte, North Carolina; Karla J. Gwinn, Special  
Assistant United States Attorney, SOCIAL SECURITY  
ADMINISTRATION, Boston, Massachusetts, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Delous Lyda Burch appeals the district court's order upholding the Commissioner of Social Security's decision to deny him a period of disability insurance benefits. We have reviewed the record and affirm.

Our review of the Commissioner's disability determination is limited to evaluating whether the findings are supported by substantial evidence and whether the correct law was applied. See Johnson v. Barnhart, 434 F.3d 650, 653 (4th Cir. 2005) (per curiam) (citing 42 U.S.C. § 405(g) (2006)). "Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Id. (internal quotation marks omitted). We do not reweigh evidence or make credibility determinations in evaluating whether a decision is supported by substantial evidence; "[w]here conflicting evidence allows reasonable minds to differ," we defer to the Commissioner's decision. Id.

Burch complains on appeal that the administrative law judge's ("ALJ's") residual functional capacity ("RFC") finding was not supported by substantial evidence. According to Burch, the ALJ failed to properly determine Burch's limitations on a function-by-function basis, erred in his credibility assessment of Burch's testimony, and improperly accorded greater weight to the consultative physicians' reports than to the opinions of

Burch's treating physicians. Our review of the record convinces us otherwise. Contrary to Burch's assertions, we conclude that the ALJ's review of Burch's abilities comported with Social Security Ruling 96-8p, the ALJ's decision to discredit Burch's subjective complaints of the intensity of his symptoms was supported by substantial evidence, and the ALJ's decision to rely on the opinions of the consultative physicians was not improper.

Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED