

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 96-2643**

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ERNESTINE JOHNSON TOMS,

Plaintiff - Appellant,

versus

SHIRLEY S. CHATER, COMMISSIONER OF SOCIAL  
SECURITY,

Defendant - Appellee.

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Appeal from the United States District Court for the Western District of North Carolina, at Shelby. Lacy H. Thornburg, District Judge. (CA-95-185-4)

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Submitted: July 8, 1997

Decided: October 8, 1997

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Before HALL and MICHAEL, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Ernestine Johnson Toms, Appellant Pro Se. Clifford Carson Marshall, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Ernestine Johnson Toms appeals the district court's order upholding the decision of the Commissioner of Social Security (Commissioner) finding that she was not under a disability for purposes of the Social Security Act for the period beginning October 3, 1980, through September 30, 1986. Toms claims that the ALJ erred because: (1) his hypothetical to the vocational expert was improper; (2) he incorrectly evaluated her allegations of pain; and (3) his decision was not supported by substantial evidence. Because Toms' claims are without merit and we find no reversible error, we affirm the Commissioner's decision. See generally English v. Shalala, 10 F.3d 1080, 1085 (4th Cir. 1993) (holding that an ALJ's hypothetical questions to a vocational expert must be based upon consideration of all relevant medical record evidence of the claimant's impairments); Craig v. Chater, 76 F.3d 585, 595-96 (4th Cir. 1996) (stating this court's standards for evaluation of pain and substantial evidence). 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