

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

RONNIE HICKS,  
Plaintiff-Appellant.

v.

No. 97-1728

KENNETH S. APFEL, COMMISSIONER OF  
SOCIAL SECURITY,  
Defendant-Appellee.

Appeal from the United States District Court  
for the Western District of Virginia, at Abingdon.  
Cynthia D. Kinser, Magistrate Judge.  
(CA-96-52-A)

Submitted: November 12, 1997

Decided: January 14, 1998

Before ERVIN and WILKINS, Circuit Judges, and  
PHILLIPS, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Joseph E. Wolfe, WOLFE & FARMER, Norton, Virginia, for Appel-  
lant. James A. Winn, Chief Counsel, Region III, Patricia M. Smith,  
Deputy Chief Counsel, Lori Karimoto, Assistant Regional Counsel,  
Office of the General Counsel, SOCIAL SECURITY ADMINISTRA-  
TION, Philadelphia, Pennsylvania; Robert P. Crouch, Jr., United  
States Attorney, Stephen U. Baer, Assistant United States Attorney,  
Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

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## OPINION

### PER CURIAM:

Appellant Ronnie Hicks appeals the order of a magistrate judge affirming the Commissioner's decision denying his application for disability insurance benefits.\* Hicks, a former bus driver, truck driver and carpenter's helper, challenges whether substantial evidence supported the administrative law judge's ("ALJ") decision that he did not have a severe mental impairment which is disabling. Finding no reversible error, we affirm.

Judicial review is limited to determining whether substantial evidence supported the ALJ's decision and whether he applied the correct law. See Hays v. Sullivan, 907 F.2d 1453, 1456 (4th Cir. 1990). It is the ALJ's responsibility to resolve conflicts in the evidence; not the reviewing court's. See Smith v. Chater, 99 F.3d 635, 638 (4th Cir. 1996).

In the present case, we find that the magistrate judge properly determined that substantial evidence supported the ALJ's decision and that he applied the correct law. Dr. Pantaze's report made reference to her own clinical observations and the data from various diagnostic tests. Her report did not directly conflict with much of the other evidence. Moreover, she considered the results of the IQ tests in conjunction with the Appellant's developmental history. Accordingly, we find that there was substantial evidence to support the ALJ's determination. Furthermore, we find that the Appeals Counsel did not err in finding that Dr. Steward's report was not new evidence.

We therefore affirm the order of the magistrate judge. We dispense with oral argument because the facts and legal contentions are ade-

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\*The parties consented to the jurisdiction of the magistrate judge pursuant to 28 U.S.C. § 636(c)(2).

quately presented in the material before the court and argument would not aid the decisional process.

AFFIRMED