

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-11961
Non-Argument Calendar

D.C. Docket No. 2:16-cv-00147-LGW-RSB

MAELA E. TOWNSEND,

Plaintiff-Appellant,

versus

COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Georgia

(December 21, 2018)

Before WILSON, WILLIAM PRYOR and HULL, Circuit Judges.

PER CURIAM:

Maela Townsend appeals an order affirming the partial denial of her application for disability insurance benefits. 42 U.S.C. §§ 405(g), 1383(c)(3). The administrative law judge ruled that Townsend was disabled from May 15, 2010, to April 25, 2013, and could return to work as of August 26, 2013. Townsend challenges the decisions to discount an assessment prepared by her treating physician, Dr. Gary McClain, and to discredit Townsend's testimony that her limitations were disabling. Townsend also argues that the vocational expert's finding that she could perform past work as a cashier was based on an incomplete hypothetical. We affirm.

Substantial evidence supports the administrative law judge's decision to discount Dr. McClain's assessment in January 2015 that Townsend was disabled. Dr. McClain opined that Townsend had an abnormal gait, tenderness and muscle weakness, she could not walk without rest or severe pain, and her pain interfered with her concentration, but the doctor's assessment was inconsistent with medical records establishing that, after he replaced Townsend's hips in June and August of 2012, her condition improved significantly. In March 2013, Dr. McClain recorded that Townsend's range of motion in her hip was pain free, and he recorded in April 2013, that her postsurgical limp had decreased markedly. Dr. McClain's assessment also was inconsistent with medical notes from Dr. Joseph Garmon in January 2013 that Townsend's osteoarthritis was non-severe; from Dr. Minerva

Hernandez in February 2013 that Townsend could ambulate and stand for a full workday and lift and carry objects without limitation; from Dr. Sinnaturai Kumar in May 2013 that Townsend did not report hip pain and her musculoskeletal examination was within normal limits; and from Dr. Claire Fuller in July 2013 that Townsend's osteoarthritis was non-severe. And Dr. McClain's assessment conflicted with Dr. Kumar's medical records in August 2013, November 2013, February 2014, and August 2014 that Townsend reported joint and muscle pain yet her strength and musculoskeletal examinations were normal. Dr. McClain's assessment stated that Townsend had bursitis in her hip, but the patient educational materials accompanying the assessment stated that bursitis "[s]ymptoms usually lessen in 3 to 4 weeks with treatment," which Dr. McClain ordered. There was a handwritten note on the first page of Townsend's educational materials stating, "no muscle left—deteriorated over right hip—now starting injections," but it is unclear who wrote the note or how the condition affected Townsend's ability to work. Although Dr. Kumar provided an assessment in July 2016 also opining that Townsend was disabled, we will not consider an assessment that Townsend submitted only to the Appeals Council when she does not challenge its ruling that the assessment was not chronologically relevant. *See Ingram v. Comm'r of Soc. Sec. Admin.*, 496 F.3d 1253, 1266 (11th Cir. 2007).

The administrative law judge was entitled to discredit Townsend's testimony about the severity of her limitations. Townsend's testimony about inflammation in and lesions on her left hip, bursitis in her right hip, numbness in her legs, and poor balance conflicts with Dr. McClain's records that Townsend's infection and cellulitis in her left hip healed, she received prompt treatment for bursitis, and she had only a mild limp and with Dr. Kumar's records that Townsend had a normal range of motion, strength, and gait despite her obesity. *See Dyer v. Barnhart*, 395 F.3d 1206, 1211 (11th Cir. 2005) (discrediting claimant's testimony without "requisite objective medical evidence that confirmed" her subjective complaints). Townsend testified that her osteoarthritis spread to her jaw and she suffered panic attacks, yet she submitted no "[m]edical signs and laboratory findings, . . . [to] show the existence of a [related] medical impairment(s)," 20 C.F.R. § 404.1529(b). Townsend also testified that she had difficulty concentrating and was antisocial and forgetful, but Dr. Kumar recorded that, in August 2013, Townsend was alert, oriented, cooperative and her mood, affect, and judgment were appropriate and that, in November 2013 and August 2014, her psychiatric examinations were normal despite her anxiety. *See Dyer*, 395 F.3d at 1211. Townsend's testimony also conflicted with her statements and those by her daughter that she cared for her daily needs, performed light housework, managed her finances, called her grandchildren, shopped for groceries, and drove regularly to her daughter's house

and to doctor visits. *See* 20 C.F.R. § 404.1529(c)(3)(i) (evaluating daily activities). Substantial evidence supports the administrative law judge's adverse credibility ruling.

Townsend contends that the hypothetical question was incomplete because it failed to address all her physical limitations, but we disagree. Townsend argues that the hypothetical question should have included the functional limitations Dr. McClain identified in his assessment, but the administrative law judge did not have to include findings in the hypothetical question that were unsupported by the record. *See Crawford v. Comm'r of Soc. Sec.*, 363 F.3d 1155, 1161 (11th Cir. 2004). To the extent Townsend argues that the hypothetical question should have accounted for her testimony that her medications make her tired and dizzy, the administrative law judge was obligated to include Townsend's functional limitations, "not each and every symptom" that she experienced, *Ingram*, 496 F.3d at 1270.

Townsend also argues that the hypothetical question failed to account for all her mental limitations, but we again disagree. Townsend argues that the administrative law judge omitted from the hypothetical question the finding that she suffered from moderate limitations in concentration and pace, which are substantiated by Dr. Kumar's medical records and the opinion of consulting psychologist William Corey in July 2013. "Concentration, persistence, or pace

refers to the ability to sustain focused attention and concentration sufficiently long to permit the timely and appropriate completion of tasks commonly found in work settings.” 20 C.F.R. § 404, Subpt. P, App. 1. The administrative law judge addressed Townsend’s moderate limitations by asking the vocational expert what work could be performed by a claimant whose concentration may be interrupted intermittently for up to one third of an 8-hour weekday if the work is skilled, but who could focus on details to satisfy the general productivity requirements of a job involving simple, repetitive, routine, or detailed tasks, and by a claimant whose pace could be interrupted one or two times a week yet could complete her tasks by the end of the day. And the administrative law judge addressed Townsend’s difficulty in adapting to workplace stressors by specifying that the claimant had to perform unskilled and semi-skilled work with a specific vocational preparation rating of 1 to 4 because of her anxiety.

We **AFFIRM** the judgment against Townsend.