

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-14365
Non-Argument Calendar

ROBERT LEWIS BATTLE,

Plaintiff-Appellant,

versus

SOCIAL SECURITY ADMINISTRATION, COMMISSIONER,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Alabama
D.C. Docket No. 2:24-cv-01484-RDP

Before JILL PRYOR, BRANCH, and GRANT, Circuit Judges.

PER CURIAM:

The district court affirmed the Social Security Administration's denial of Robert Battle's application for disability insurance benefits and supplemental security income. We affirm.

I.

In May and June of 2021, Battle submitted applications to the Social Security Administration for disability insurance benefits and supplemental security income. He pegged his disability-onset date to February 28, 2021, and identified three conditions that limited his ability to work: congestive heart failure, high blood pressure, and high cholesterol. The Social Security Administration denied his applications and rejected his request for reconsideration.

After holding a hearing, an Administrative Law Judge evaluated Battle's applications using the Social Security Administration's five-step sequential evaluation process. *See* 20 C.F.R. § 404.1520(a). The ALJ found, at the first three steps, that Battle had not engaged in substantial gainful activity since February 28, 2021, that he suffered from the severe impairments of coronary artery disease, congestive heart failure, hypertension, and obesity, and that none of his impairments, alone or in combination, met the requisite severity to trigger an automatic disability finding. At step four, the ALJ determined that Battle had the residual functional capacity to perform light work, so long as that work does not involve exposure "to hazards such as unprotected heights and hazardous machinery." In the last part of that analysis, the ALJ drew on a vocational expert's testimony to find that Battle was "able to perform his past work as a security guard as actually and generally performed." So the ALJ determined that Battle was not disabled, and as a result, not entitled to benefits.

25-14365

Opinion of the Court

3

After the Appeals Council denied Battle's request to review the ALJ's decision, Battle filed this action in federal court. He argued that the benefits denial must be reversed because the ALJ failed to resolve a conflict between the vocational expert's testimony and the listing for security guard in the Dictionary of Occupational Titles, which is published by the Department of Labor. The district court rejected that argument and affirmed. This is Battle's appeal.

II.

When an ALJ denies benefits and the Social Security Administration Appeals Council denies review, "we review the ALJ's decision as the Commissioner's final decision." *Rodriguez v. Soc. Sec. Admin.*, 118 F.4th 1302, 1315 (11th Cir. 2024). "Our review of the Commissioner's decision is limited to whether substantial evidence supports the decision and whether the correct legal standards were applied." *Walker v. Soc. Sec. Admin., Comm'r*, 987 F.3d 1333, 1338 (11th Cir. 2021). We review de novo "both the Commissioner's legal conclusions, and the district court's decision about whether the Commissioner's decision is supported by substantial evidence." *Id.* (citation omitted).

III.

Battle primarily challenges the ALJ's decision at step four: that he had the residual functional capacity to perform his past

relevant work as a security guard.¹ At that step, the ALJ considers the claimant's residual functional capacity and whether he can still engage in "past relevant work." 20 C.F.R. § 404.1520(a)(4)(iv). If the claimant is capable of performing past work, he is deemed not disabled. *Id.* To make this determination, the ALJ consults the Dictionary of Occupational Titles and testimony from vocational experts. *See Washington v. Comm'r of Soc. Sec.*, 906 F.3d 1353, 1356 (11th Cir. 2018).

Neither source, however, "automatically trumps" the other when they conflict. *Buckwalter v. Acting Comm'r of Soc. Sec.*, 5 F.4th 1315, 1321 (11th Cir. 2021). So when a vocational expert testifies about a job's requirements, the ALJ has an "affirmative duty" to identify—and then resolve—any "apparent" conflicts between that testimony and the Dictionary of Occupational Titles. *Washington*, 906 F.3d at 1362. A conflict is "apparent" when it is "ascertainable or evident, i.e., when it is seemingly real or true, but not necessarily so." *Viverette v. Comm'r of Soc. Sec.*, 13 F.4th 1309, 1314 (11th Cir. 2021) (alteration adopted and quotations omitted). And an "ALJ's

¹ Battle also argues that insufficient evidence supports the ALJ's conclusion that he could return to his job as a security guard as he actually performed it. But as he concedes, he failed to raise this issue before the district court. As a general matter, any argument "not raised in the district court and raised for the first time in an appeal will not be considered." *Access Now, Inc. v. Sw. Airlines Co.*, 385 F.3d 1324, 1331 (11th Cir. 2004) (quotation omitted). Although Battle argues otherwise, none of the "exceptional conditions" that would compel us to entertain an argument raised for the first time on appeal apply here. *Id.* at 1332. Accordingly, we do not consider this issue.

25-14365

Opinion of the Court

5

failure to discharge this duty means a decision is not supported by substantial evidence.” *Buckwalter*, 5 F.4th at 1321.

Here, the ALJ found that Battle had the residual functional capacity to perform “light work,” subject to these limitations:

[H]e can occasionally climb ramps and stairs, stoop, kneel, crouch, and crawl; he should never climb ladders, ropes, or scaffolds; he can have only occasional exposure to extremes of cold, extremes of heat, and atmospheric conditions, i.e., dusts, odors, fumes, and pulmonary irritants; and he should have no exposure to hazards such as unprotected heights and hazardous machinery.

At Battle’s hearing, the vocational expert identified four potential occupations that a hypothetical person with Battle’s limitations could perform: security guard, assembler, bakery worker, and counter clerk. So the ALJ, drawing on that testimony, concluded that Battle could perform his past relevant work as a security guard.

Battle argues that the ALJ failed to resolve a conflict between the vocational expert’s testimony and the Dictionary of Occupational Titles. He is incorrect; no apparent conflict exists. Battle’s residual functional capacity limits his exposure to “hazards such as unprotected heights and hazardous machinery.” That is consistent with the security guard listing in the Dictionary of Occupational Titles, which explicitly states that neither exposure to moving mechanical parts nor high exposed places exists on the job. U.S. Dep’t of Labor, *Dictionary of Occupational Titles* §§ 372.667-038 (4th ed. 1991).

Resisting this simple conclusion, Battle points out that the security guard listing contemplates occasional exposure to other environmental conditions. *See id.* And by following a path of definitions in a companion publication, he says that “other environmental conditions” may include “patrolling assigned beat to prevent crime or disturbance of peace and being subjected to bodily injury or death from law violators.” U.S. Dep’t of Labor, *Selected Characteristics of Occupations*, App’x D (4th ed. 1993). Because his residual functional capacity limits his exposure to hazards, the argument goes, there is an apparent conflict between the vocational expert’s testimony and the security guard listing in the Dictionary of Occupational Titles.

No—we fail to see any apparent conflict. The security guard listing in the Dictionary of Occupational Titles itself contemplates duties like patrolling “to protect persons or property” and apprehending “unauthorized persons,” so no surprise there. *Dictionary of Occupational Titles* §§ 372.667-038. Like the district court, we are unpersuaded by Battle’s efforts to stretch the hazards limitation in his residual functional capacity and to identify a conflict through a “rabbit trail of definitions” in the Department of Labor publications.² Because there was no apparent conflict for the

² The district court also noted that Battle’s residual functional capacity limitation flowed “directly from the opinions of state agency consultants.” To the extent that Battle takes issue with that determination, our task here is to review the ALJ’s final decision, not the district court’s order. *See Rodriguez*, 118 F.4th at 1315. In any event, the ALJ’s residual functional capacity determination *did* flow from the state agency consultant opinions.

25-14365

Opinion of the Court

7

ALJ to resolve, we reject his challenge to the Commissioner's decision to deny his applications for benefits.

★ ★ ★

We **AFFIRM** the district court's judgment.