

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

Betty Holladay v. Otis Bowen, as Secretary of United States
Department of Health and Human Services

22 Soc. Sec. Rep. Ser. 111 (11th Cir. 1988) · No. No. 87-7321 · Decided July 8, 1988

SUMMARY

The Eleventh Circuit affirmed the denial of Betty Holladay's application for Supplemental Security Income benefits. The court upheld the Secretary of Health and Human Services' regulation barring the purchase of coronary arteriography and concluded that the administrative law judge sufficiently developed the record without ordering the procedure. The court also held that vocational-expert testimony was not required because the claimant's residual functional capacity for sedentary work was adequately established.

CASE DETAILS

COURT	United States Court of Appeals for the Eleventh Circuit
WRITING FOR THE COURT	Clark, Circuit Judge; Johnson, Circuit Judge; Dumbauld, Senior District Judge, sitting by designation
JURISDICTION	Federal
DECIDED	July 8, 1988
DOCKET	No. 87-7321
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Northern District of Alabama's affirmance of the Secretary's denial of Holladay's application for Supplemental Security Income benefits.
STANDARD OF REVIEW	The court reviewed the ALJ's factual findings under the substantial-evidence standard, asking whether the record contained such relevant evidence as a reasonable person would accept as adequate to support the conclusion. The validity of the Secretary's regulation was reviewed to determine whether it exceeded statutory authority or was arbitrary and capricious.
PRECEDENTIAL VALUE	published precedential appellate opinion
PARTIES	Betty Holladay v. Otis Bowen, as Secretary of United States Department of Health and Human Services

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Secretary's regulation prohibiting the Social Security Administration from purchasing coronary arteriography was valid under 42 U.S.C. § 405(a) and consistent with the ALJ's duty to develop a full and fair record.
2. Whether the ALJ reversibly erred by failing to obtain or authorize a coronary arteriogram before determining that Holladay did not meet a listed impairment.
3. Whether the ALJ was required to obtain vocational-expert testimony before relying on the Medical-Vocational Guidelines to find Holladay not disabled.

HOLDINGS

1. The Secretary's regulation providing that coronary arteriography is not to be purchased by the Social Security Administration is valid because it is consistent with 42 U.S.C. § 405(a) and is not arbitrary and capricious.
2. The ALJ did not commit reversible error by failing to obtain a coronary arteriogram because the absence of that test did not prevent the ALJ from making an overall disability determination supported by substantial evidence.
3. The ALJ was not required to obtain vocational-expert testimony before completing the sequential evaluation and relying on the Medical-Vocational Guidelines.

KEY QUOTATIONS

"In light of these risks, we hold that the regulation prohibiting the purchase of coronary arteriography is not arbitrary and capricious." (848 F.2d at 1209)

"The absence of an arteriogram did not render the ALJ incapable of making an overall disability determination." (848 F.2d at 1209)

"Under these circumstances, we are compelled to hold that the ALJ was free to complete the evaluation process without the testimony of a VE." (848 F.2d at 1210)

FACTUAL BACKGROUND

Holladay applied for SSI benefits after experiencing chest pain radiating to her left arm, fatigue, shortness of breath, dizziness, and other symptoms. Her treating physician suspected ischemic heart disease but stated that available testing did not confirm the diagnosis and suggested a coronary arteriogram. The ALJ relied on an EKG,

a stress test, and the treating physician's residual-functional-capacity assessment to find that Holladay could perform sedentary work and was not disabled.

PROCEDURAL HISTORY

Holladay applied for SSI benefits based on a claimed heart condition. An administrative law judge found her not disabled, and the Appeals Council denied review. Holladay then sought judicial review under 42 U.S.C. § 405(g), and the district court affirmed the Secretary's decision. The Eleventh Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- McDaniel v. Bowen, 800 F.2d 1026 (11th Cir. 1986)
- Richardson v. Perales, 402 U.S. 389 (1971)
- Bloodsworth v. Heckler, 703 F.2d 1233 (11th Cir. 1983)
- Boyd v. Heckler, 704 F.2d 1207 (11th Cir. 1983)
- Reeves v. Heckler, 734 F.2d 519 (11th Cir. 1984)
- Ford v. Secretary of Health and Human Services, 659 F.2d 66 (5th Cir. Unit B 1981)
- Dozier v. Heckler, 754 F.2d 274 (8th Cir. 1985)
- Bowen v. Yuckert, 482 U.S. 137 (1987)
- Heckler v. Campbell, 461 U.S. 458 (1983)
- Francis v. Heckler, 749 F.2d 1562 (11th Cir. 1985)
- Walker v. Bowen, 826 F.2d 996 (11th Cir. 1987) (per curiam)
- Chester v. Bowen, 792 F.2d 129 (11th Cir. 1986)