Not For Publication in West's Federal Reporter Citation Limited Pursuant to 1st Cir. Loc. R. 32.3 United States Court of Appeals For the First Circuit

No. 05-1563

KELLY DUGUAY,

Plaintiff, Appellant,

v.

JOANNE B. BARNHART, COMMISSIONER, SOCIAL SECURITY ADMINISTRATION,

Defendant, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW HAMPSHIRE

[Hon. Paul J. Barbadoro, U.S. District Judge]

Before

Lynch, <u>Circuit Judge</u>, Campbell, <u>Senior Circuit Judge</u>, and Lipez, <u>Circuit Judge</u>.

Sarah H. Bohr and Bohr & Harrington, LLC and Raymond J. Kelly on brief for appellant.

<u>Thomas P. Colantuono</u>, United States Attorney, <u>David L.</u> <u>Broderick</u>, Assistant U.S. Attorney, and <u>Michael E. Kerpan, Jr.</u>, Assistant Regional Counsel, on brief for appellee.

March 3, 2006

<u>Per Curiam</u>. After carefully considering the record and briefs on appeal, we <u>affirm</u> the Commissioner's decision.

The appellant fails to show that the decision rested upon an error of law or insufficient evidence. <u>Manso-Pizarro</u> v. <u>Sec'y of</u> <u>Health & Human Serv</u>., 76 F.3d 15 (1st Cir. 1996). The medical record showed improvements in pain and mobility after surgery. The ALJ acknowledged that the appellant remained severely impaired and in moderate pain, but found that her limitations could be accommodated by a sit/stand option and other restrictions. The appellant mentions no contrary medical opinion for the relevant period. She does not establish that the findings were not supported by substantial evidence. <u>Perez</u> v. <u>Sec'y Health & Human</u> <u>Serv</u>., 958 F.2d 445 (1st Cir. 1991).

Affirmed. 1st Cir. R. 27(c).

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