

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 03-3567

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Bernice R. Wittwer,	*	
	*	
Plaintiff-Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	Eastern District of Arkansas.
Jo Anne B. Barnhart, Commissioner,	*	
Social Security Administration,	*	[UNPUBLISHED]
	*	
Defendant-Appellee.	*	

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Submitted: July 8, 2004  
Filed: August 5, 2004

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Before WOLLMAN, LAY, and MELLOY, Circuit Judges.

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PER CURIAM.

Bernice R. Wittwer appeals the district court's<sup>1</sup> decision upholding the Commissioner's denial of her application for disability insurance benefits following a hearing before an administrative law judge (ALJ) and the Appeals Council's denial of her request for review. We have reviewed the record *de novo* and find that the Commissioner's final decision is supported by substantial evidence in the record as

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<sup>1</sup>The Honorable H. David Young, United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

a whole. See Harris v. Barnhart, 356 F.3d 926, 928 (8th Cir. 2004). The ALJ did not err in failing to discuss or consider Wittwer's obesity because she did not allege obesity as an impairment and was not obese during the relevant period. Furthermore, the ALJ properly analyzed Wittwer's chronic fatigue syndrome and fibromyalgia, carefully considered all the medical evidence in the record regarding Wittwer's residual functional capacity, and did not err in finding that her subjective complaints were not entirely credible. We find Wittwer's other claims of error to be without merit.

Accordingly, the judgment is affirmed. See 8th Cir. R. 47B.

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