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# United States Court of Appeals For the First Circuit

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No. 04-2094

BONNIE R. HODGSON,  
Plaintiff, Appellant,  
v.

JOANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY,  
Defendant, Appellee.

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE

[Hon. John A. Woodcock, Jr., U.S. District Judge]

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Before

Boudin, Chief Judge,  
Selya and Howard, Circuit Judges.

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Francis M. Jackson and Jackson & MacNichol on brief for  
appellant.

Paula Silsby, United States Attorney, Robert J. Triba,  
Regional Chief Counsel and Susan Beller Donahue, Special Assistant  
U.S. Attorney on brief for appellee.

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May 6, 2005

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**Per Curiam.** After carefully considering the briefs and record on appeal, we affirm the commissioner's decision.

The appellant argues that the ALJ failed to assess treating source opinion in accordance with the regulations. The ALJ stated, however, that the appellant's level of functioning was rated higher by other providers, her daily activities were only mildly restricted, and she did not comply with medical advice. Such factors are relevant under the regulations and adequately support the ALJ's assessment. 20 C.F.R. §§ 1527(d), 404.1530; Rodriguez v. Sec'y of Health & Human Serv., 647 F.2d 218 (1<sup>st</sup> Cir. 1981). For similar reasons, the appellant establishes no error in the ALJ's credibility determination. Finally, she fails to show any error in the finding that significant work was available to her. 20 C.F.R. § 404.1520(f); Rosado v. Sec'y of Health & Human Serv., 807 F.2d 292 (1<sup>st</sup> Cir. 1986).

Affirmed. 1<sup>st</sup> Cir. R. 27(c).