

[NOT FOR PUBLICATION]

United States Court of Appeals
For the First Circuit

No. 83-1181

EDWARD ROWAN,
Plaintiff, Appellant,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,
Defendant, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND
[Hon. Francis J. Boyle, U.S. District Judge]

Before
Campbell, Chief Judge,
Coffin and Breyer, Circuit Judges.

Barry Best on brief for appellant.
Lincoln C. Almond, United States Attorney, and Everett
C. Sammartino, Assistant United States Attorney, were on brief
for appellee.

December 14, 1983

PER CURIAM. The hypothetical question to which the vocational expert (VE) responded did not expressly refer to Dr. Wuraftic's uncontradicted findings concerning claimant's "moderate to severe perceptual dysfunction" and "rather slowed response time." While subsequent questioning did elicit that a one-eyed person could perform the jobs the VE listed, we are not certain that the perceptual dysfunction identified by Dr. Wuraftic inhered solely in claimant's having but one eye. And, while claimant had described some difficulty using his dominant hand, it is not clear what effect claimant's slowed response time might have on his ability to perform the jobs the VE identified, some of which sound like assembly line tasks. Contrary to claimant's arguments, we do not think ambiguities of this sort preclude a remand or result in the automatic grant of benefits, and thus on remand the Secretary may take further vocational expert testimony.

Because the Secretary concluded claimant could perform other jobs, we do not read the Secretary's decision as resting on the Rhode Island homemaker provision, and therefore we do not address claimant's arguments regarding it. Claimant's other arguments have been considered and are without merit.

The judgment of the district court is vacated, and the case is remanded to the district court with directions to remand to the Secretary.