

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-10891
Summary Calendar

MARCIA J. IGAYAC,

Plaintiff-Appellant,

versus

LARRY G. MASSANARI, ACTING COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:99-CV-274

April 26, 2001

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Marcia J. Igayac appeals the district court's judgment affirming the Commissioner of Social Security's denial of disability benefits. She argues that the Administrative Law Judge ("ALJ") erroneously accorded greater weight to the opinions of consulting physicians than to the opinions of her treating physician. She also argues that the ALJ failed to adequately inform her of her statutory right to counsel prior to the hearing.

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

Igayac failed to object in the district court to the magistrate judge's report and recommendation. We therefore review her claims only for plain error. See Parfait v. Bowen, 801 F.2d 810, 813 (5th Cir. 1986); Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996)(en banc). We conclude that there was reliable medical evidence in the record controverting Igayac's treating specialist and that the ALJ's decision was supported by substantial evidence. See Shave v. Apfel, 238 F.3d 592, 595 (5th Cir. 2001); Newton v. Apfel, 209 F.3d 448, 453 (5th Cir. 2000). We also conclude that the ALJ adequately informed Igayac about her statutory right to counsel at the hearing and that Igayac has not proven that she was prejudiced by her waiver. See Brock v. Chater, 84 F.3d 726, 729 n.1 (5th Cir. 1996); Clark v. Schweiker, 652 F.2d 399, 403 (5th Cir. 1981).

AFFIRMED.