

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-41393
Summary Calendar

IVA BOWERS,

Plaintiff-Appellant,

versus

KENNETH S. APFEL, COMMISSIONER OF SOCIAL
SECURITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:99-CV-39

July 24, 2000

Before SMITH, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Iva Bowers appeals the Commissioner's denial of her application for disability benefits. The district court affirmed the denial.

Bowers argues that the Commissioner erred by failing to apply Social Security Ruling 99-3(5) and this court's decision in McQueen v. Apfel, 168 F.3d 152, 155-56 (5th Cir. 1999), to her case. However, the Commissioner determined at the fourth step of the evaluation process that Bowers was not disabled. McQueen and

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Ruling 99-3(5) apply to determinations made at the fifth step of the analysis. See McQueen, 168 F.3d at 154-56; 64 Fed. Reg. 28,855. Accordingly, there was no need for the Commissioner to reach the fifth step. See, e.g., Wren v. Sullivan, 925 F.2d 123, 125-26 (5th Cir. 1991).

Bowers argues that the Commissioner erred by failing to hear from a vocational expert. Because the Commissioner determined at the fourth step that Bowers was not disabled, there was no need to consult a vocational expert. See Green v. Schweiker, 694 F.2d 108, 112 (5th Cir. 1982).

Bowers argues that the Commissioner did not properly evaluate the medical evidence. Having reviewed the record, we conclude that it contains substantial evidence in support of the Commissioner's findings. See Anthony v. Sullivan, 954 F.2d 289, 295 (5th Cir. 1992).

AFFIRMED.