

August 7, 2003

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 02-60436
Summary Calendar

DOROTHY T. JOHNSON,

Plaintiff-Appellant,

versus

JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
(1:01-CV-5-BrR)

Before BARKSDALE, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:*

Dorothy T. Johnson appeals, *pro se*, the affirmance of the Social Security Commissioner's decision to terminate her disability insurance benefits and supplemental social security income. The Commissioner determined that, post-surgery Johnson had undergone medical improvement. See 42 U.S.C. § 423(f). Johnson contends this determination was not based upon substantial evidence. (Johnson also claims the Administrative Law Judge was not presented

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

with a complete copy of her medical records. We decline to consider this claim because it is raised for the first time on appeal. See *Leverette v. Louisville Ladder Co.*, 183 F.3d 339, 342 (5th Cir. 1999), *cert. denied*, 528 U.S. 1138 (2000).)

Our review of the Commissioner's decision "is limited to determining whether that decision is supported by substantial evidence and whether the proper legal standards were applied". *Ripley v. Chater*, 67 F.3d 552, 555 (5th Cir. 1995). "Substantial evidence is more than a scintilla, less than a preponderance, and is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Martinez v. Chater*, 64 F.3d 172, 173 (5th Cir. 1995) (internal quotations and citations omitted).

Johnson's contentions are unavailing. There was substantial evidence to support the Commissioner's medical improvement decision.

AFFIRMED