

February 15, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-10676  
Summary Calendar

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THOMAS MICHAEL GROTHE,

Plaintiff-Appellant,

versus

JO ANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:03-CV-605-Y  
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Before REAVLEY, JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:\*

Thomas Michael Grothe appeals the district court's affirmance of the Commissioner's denial of his application for disability insurance benefits. Grothe argues that the administrative law judge (ALJ) erred by crediting the opinion of a physician who was not a specialist. Grothe also contends that the ALJ erred by concluding that he could return to his past work as a vocational instructor. He contends that he has seen a specialist who is willing to testify that he is disabled.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The record supports the ALJ's decision to afford considerable weight to the disputed medical opinion. See 20 CFR § 404.1527. An examination of the record as a whole shows that there is substantial evidence to support the ALJ's determination that Grothe retained the capacity to perform his past relevant work. See Ripley v. Chater, 67 F.3d 552, 555 (5th Cir. 1995); see also Griego v. Sullivan, 940 F.2d 942, 945 (5th Cir. 1991). Grothe's allegations concerning a specialist do not change this analysis. Grothe has shown no error in the district court's judgment or in the Commissioner's decision to deny his application for benefits. Accordingly, the judgment of the district court is AFFIRMED.