

July 27, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-11110  
Summary Calendar

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ROBERT E. TROUPE, III,

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  
(3:01-CV-893-L)  
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Before WIENER, DeMOSS, and PRADO, circuit Judges.

PER CURIAM:\*

Plaintiff-Appellant Robert E. Troupe, III, appeals from the district court's decision affirming the determination by the Commissioner of Social Security that he is not eligible for disability benefits. He also moves to file his reply brief out-of-time, which is granted.

Troupe contends that the Commissioner actually determined that he was eligible for benefits as of October 1981 in connection with an earlier disability application filed in Kansas and that the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

current administrative record is incomplete. Troupe fails to show that he was determined to be eligible for benefits, and we reject his argument that the administrative law judge ("ALJ") failed to develop the record. See Brock v. Chater, 84 F.3d 726, 728 (5th Cir. 1996). Troupe's contention that the transcript of the administrative hearing does not pertain to him is frivolous; as a plain reading of the record shows that Troupe was correctly identified by his social security number and that the misspelling of his name as "Trape" was obviously a typographical error.

After reviewing the briefs and the record, we conclude that the ALJ applied the correct legal standards and that the decision is supported by substantial evidence. See Harris v. Apfel, 209 F.3d 413, 417 (5th Cir. 2000). The district court's judgment is AFFIRMED.

AFFIRMED. MOTION GRANTED.