

FILED

August 17, 2007

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

Summary Calendar
No. 07-10396

Charles R. Fulbruge III
Clerk

LINDA K. GALUSHA,

Plaintiff-Appellant,

VERSUS

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas

(1:05-CV-51)

Before DeMOSS, STEWART, and PRADO, Circuit Judges.

PER CURIAM:*

Appellant Linda K. Galusha ("Galusha") appeals from the district court's judgment affirming the Commissioner of Social Security's decision to deny her application for a period of disability and disability insurance benefits. We affirm the judgment of the district court.

In 1998, Galusha filed an application for a period of disability and disability insurance benefits with the Commissioner of Social Security ("Commissioner"). Her application was denied. Galusha subsequently requested a hearing before an Administrative

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Law Judge ("ALJ"). Based on a review of the administrative record, the ALJ determined that Galusha was not disabled nor entitled to benefits because she did not have a "severe" impairment. On Galusha's request for review, the Appeals Council for the Social Security Administration ("Appeals Council") issued an order vacating the hearing decision and remanding for further proceedings. On remand, the ALJ conducted a supplemental hearing and again issued a decision adverse to Galusha, determining that even though she had "severe" impairments, none of the impairments were severe enough to meet or equal in severity any impairment in the Listing of Impairments and further, Galusha retained the residual functional capacity to perform her past relevant work. On Galusha's second request for review, the Appeals Council determined that there was no basis for changing the ALJ's decision and denied Galusha's request. Thus, the ALJ's decision became the final decision of the Commissioner. Galusha appealed this final decision to the U.S. District Court for the Northern District of Texas. The district court referred the case to a magistrate judge, who found that the ALJ's decision was supported by substantial evidence and applied the proper legal standards. The district court adopted the Report and Recommendation of the Magistrate Judge and dismissed Galusha's case.

Galusha argues on appeal that the district court erred in determining that the ALJ's decision was based on the proper legal standard and supported by substantial evidence. According to

Galusha, the ALJ improperly rejected a treating doctor's opinion and did not properly consider Galusha's residual functional capacity. Our review is limited to determining whether there is substantial evidence in the record as a whole to support the Commissioner's decision and whether the Commissioner's decision comports with relevant legal standards. *Jones v. Apfel*, 174 F.3d 692, 693 (5th Cir. 1999). Having carefully reviewed the parties' briefs and the relevant portions of the record, we affirm the decision of the district court for essentially the reasons stated in the Magistrate Judge's Report and Recommendation.

AFFIRMED.