UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 92-4198
Summary Calendar

DANNY DAUZAT,

Plaintiff-Appellant,

VERSUS

LOUIS SULLIVAN, Secretary
of Health and Human Services,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
(89 CV 1975)

(December 9, 1992)

Before JOLLY, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:[1]

Appellant was denied Social Security Disability and Supplemental Security Income benefits by the Administrative Law Judge. The Appeals Council denied review. Appellant sought review in the district court which granted summary judgment for the Secretary. We find no error and affirm.

Appellant first complains of the finding that he is not disabled. Our task is to determine whether this finding is

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[1] Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

supported by substantial evidence in the record as a whole. Fraga v. Bowen, 810 F.2d 1296, 1302 (5th Cir. 1987). If the Secretary's findings are supported by substantial evidence they must be affirmed. 42 U.S.C. § 405(g). Our thorough review of the evidence convinces us that all of the evidence other than that of the claimant himself and Dr. Savoy supports the Secretary's decision. The evidence in support is substantial.

Appellant next argues that the Administrative Law Judge could not lawfully rely on administrative notice of the fact that unskilled light work jobs exist in significant numbers in the national economy as stated in the regulations. Although we note that this issue was not raised in the district court we nevertheless consider it and find that it is foreclosed. Fraga, 810 F.2d at 1304-05.

Finally, Appellant contends that a new medical report by Dr. Savoy requires remand. Remand is appropriate when new evidence is material and there is good cause for not having included it previously. To be material, there must be a reasonable possibility that the new evidence would have changed the Secretary's determination. The new evidence may not relate to a disability acquired after the Secretary's determination or to a deterioration in a previously existing condition that was not disabling when the Secretary's determination was made. 42 U.S.C. § 405(g); Bradley v. Bowen, 809 F.2d 1054, 1058 (5th Cir. 1987). The Secretary's determination became final on August 10, 1989 and related to a claimed disability beginning in December 1987. The new report is

dated September 7, 1990. It states that Dauzat is now totally disabled having suffered an acute myocardial infarction. The condition described, however, is a deterioration which occurred after the Secretary's decision. Remand is not, therefore, appropriate. This subsequent deterioration may, however, form the basis of a new claim. Johnson v. Heckler, 767 F.2d 180, 183 (5th Cir. 1985).

AFFIRMED.