

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41167
Summary Calendar

DAVID MCCURRY,

Plaintiff-Appellant,

versus

KENNETH S. APFEL, COMMISSIONER
OF SOCIAL SECURITY,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-96-CV-538
- - - - -

October 21, 1998

Before DAVIS, DUHE', and PARKER, Circuit Judges.

PER CURIAM:*

David S. McCurry appeals the district court's judgment for the Commissioner in his action pursuant to 42 U.S.C. § 405(g) for review of the administrative law judge's (ALJ) decision denying his request for Supplemental Social Security Income and Disability Insurance Benefits. We review the Commissioner's decision to determine whether the Commissioner applied the proper legal standards and whether the Commissioner's decision is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

supported by substantial evidence on the record as a whole.

Anthony v. Sullivan, 954 F.2d 289, 292 (5th Cir. 1992).

McCurry contends that he met the Appendix 1 listings for a heart impairment, a respiratory impairment, an endocrine impairment, a digestive impairment, a musculoskeletal system impairment, a visual impairment, and a mental impairment. McCurry asserts that he suffers from disabling pain and that the ALJ did not consider his complaints of pain in determining that he was not disabled. McCurry asserts that the ALJ, the medical expert, and the district court relied on a perceived notion, which was not supported by the record, that McCurry abused alcohol and drugs in determining that McCurry was not disabled. McCurry contends also that the ALJ did not provide reasons for his treatment of McCurry's testimony as not credible.

McCurry contends that the Commissioner did not consider his physical and mental impairments, his complaints of pain, and the limitations on his activities and abilities in deciding that he retained the residual function capacity to perform other work. McCurry contends that the vocational expert did not provide the specific numbers of jobs available in the economy that McCurry could perform. Finally, McCurry contends generally that the Commissioner did not apply the correct legal standards and that substantial record evidence does not support the Commissioner's decision.

We have reviewed the record and the parties' briefs, and we find no reversible error. Accordingly, we affirm for essentially

the reasons adopted by the district court. See McCurry v. Callahan, No. C-96-538 (S.D. Tex. Jul. 24, 1997).

AFFIRMED.