

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-20632
Summary Calendar

SUSAN MILLER,

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
(97-CV-2165)
- - - - -

July 22, 1999

Before POLITZ, DAVIS, and WIENER, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Susan Miller appeals the district court's judgment affirming the decision of the Commissioner of Social Security granting her claim for disability insurance benefits from July 31, 1992, through January 3, 1994, and denying the remainder of her claim. She argues that the district court and the Commissioner failed to apply the correct legal standards in reviewing her case and that the Commissioner's decision is not supported by substantial evidence. In particular, she asserts that

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 ALJ improperly rejected the opinions of her treating physician and treating psychiatrist, that undue weight was given to the testimony of the impartial medical expert, and that the ALJ failed to consider the cumulative effect of her ailments, or to make the findings required under 20 C.F.R. Pt. 404, Subpt. P, App. 1 § 12.04 (affective disorders). Miller waived the argument that the ALJ failed to make the required findings under § 12.04 by failing to raise this issue before the district court. See James v. Bowen, 793 F.2d 702, 704 (5th Cir. 1986).

After careful review of the record and the arguments, we hold that the district court's and the Commissioner's decisions that Miller was "not disabled" prior to July 31, 1992, and after January 3, 1994, are consistent with applicable legal standards and are supported by substantial evidence. See Greenspan v. Shalala, 38 F.3d 232, 237 (5th Cir. 1994); Muse v. Sullivan, 925 F.2d 785, 789 (5th Cir. 1991).

AFFIRMED.