

January 9, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 04-31121
Summary Calendar

DAVID A. DAWSON,

Plaintiff - Appellant,

versus

JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

Appeal from the United States District Court
for the Western District of Louisiana, Shreveport
USDC No. 5:03-CV-660-SMH

Before JOLLY, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:¹

David A. Dawson seeks review of the Social Security Administration's denial of disability insurance benefits to which he claims entitlement. The Administrative Law Judge held that Dawson was not disabled on or before December 31, 2000, when he was last eligible for such benefits. Dawson argues that the facts show he was disabled beginning October 28, 1998.² We review a final

¹ 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

² Dawson's argument that the Administrative Law Judge committed an error of law by not classifying him as being of "advanced age" for the purposes of the pre-2001 disability benefits is wholly without merit. An individual of "advanced age" is an individual age fifty-five or older. 20 C.F.R. § 404.1563(e). Born on

decision under 42 U.S.C. § 405(g) to determine whether the decision was supported by substantial evidence in the record and whether the proper legal standards were used in evaluating the evidence. Greenspan v. Shalala, 38 F.3d 232, 236 (5th Cir. 1994).

There is little evidence to suggest that Dawson could not perform "light work" prior to January 2001, when colon cancer was first suspected. The medical records on which Dawson relies show only that he sought treatment for a groin abscess in October 1998 and again in June 1999. In early 2001, he denied any prior medical problems other than the abscess. A medical expert reviewing the medical records concluded that Dawson's only functional limitations occurred after surgery in 2001. We find that the record provides substantial evidence to support the Commissioner's decision that Dawson was not disabled on or before December 31, 2000, when he was last eligible for Social Security disability insurance benefits.

AFFIRMED.

September 23, 1946, Dawson became fifty-five years old on September 23, 2001, well after the period at issue here.