

UNITED STATES COURT OF APPEALS  
for the Fifth Circuit

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No. 92-5728  
Summary Calendar

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IRA JOE WELCH,

Plaintiff-Appellant,

VERSUS

DONNA SHALALA, Secretary of Health and Human Services,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
SA 91 CA 609

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June 15, 1993

Before JOLLY, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:<sup>1</sup>

Appellant applied for disability insurance benefits. An Administrative Law Judge determined that he was not disabled and denied benefits. The Appeals Council twice denied review. Appellant then petitioned the district court for review. The Magistrate Judge made a Report and Recommendation that the Secretary's decision be affirmed. The district court adopted those recommendations and Appellant appealed. We affirm.

Our task is to determine from the entire record whether the

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<sup>1</sup> 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Secretary applied the proper legal standards, and whether his decision is supported by substantial evidence. Anthony v. Sullivan, 954 F.2d 289, 292 (5th Cir. 1992). Substantial evidence is more than a scintilla but less than a preponderance. Anderson v. Sullivan, 887 F.2d 630, 633 (5th Cir. 1989). Claimant must prove his disability. Cook v. Heckler, 750 F.2d 391, 393 (5th Cir. 1985). Disability is defined in the Act.

The ALJ applied the well-known five-step process and concluded that Appellant could do sedentary work and that jobs for which he is suited exist in significant numbers in the national economy. We shall not here recount the evidence, but our review of the record convinces us that the ALJ was correct at each step. He relied on objective medical facts, the diagnoses and opinions of treating and examining physicians, the opinion of qualified vocational rehabilitation experts, Appellant's subjective evidence of pain and disability, and Appellant's age, education and work history. De Paepe v. Richardson, 464 F.2d 92, 94 (5th Cir. 1972). Our review of the evidence shows that the Secretary's decision is supported by substantial evidence.

AFFIRMED.