

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-1103

JOHN T. ZURICH,
Appellant
vs.

COMMISSION OF SOCIAL SECURITY

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(D.C. Civ. No. 03-CV-05014)
District Judge: Honorable Joel A. Pisano

Submitted Under Third Circuit L.A.R. 34.1(a)
September 30, 2005
Before: RENDELL, FUENTES and WEIS, Circuit Judges.

(Filed: October 7, 2005)

OPINION

WEIS, Circuit Judge.

Plaintiff, now 65 years of age, applied for disability benefits under the Social Security Act. He alleges that he suffers from hypertension, longstanding alcoholism, liver disease, liver impairment, and obesity. On April 7, 2003, the ALJ found

that plaintiff was capable of performing his past relevant work as a driver and security guard and, on that basis, denied benefits.

In a comprehensive opinion reviewing the record, including the medical reports, the District Court found that substantial evidence supported the ALJ's decision. We note that as of April 8, 2003, the day after the ALJ's ruling, plaintiff received an award for future benefits. Consequently, the issue before us is whether plaintiff was entitled to benefits from September 24, 2001 to April 8, 2003, the period during which he did not receive any payments.

We uphold the Social Security Commission's decision to deny an application for Social Security benefits if there is substantial evidence to support the decision. 42 U.S.C. § 405(g); Plummer v. Apfel, 186 F.3d 422, 427 (3d Cir. 1999). The Supreme Court has defined "substantial evidence" as "more than a mere scintilla" and as evidence which "a reasonable mind might accept to support a conclusion." Richardson v. Perales, 402 U.S. 389, 401 (1971) (quoting Consolidated Edison Co. v. NLRB, 305 U.S. 197, 229 (1938)).

As the District Court concluded in its well-reasoned opinion, there was substantial evidence to support the Commission's finding. As noted earlier, the Court reviewed the record in this case very carefully. We have done so as well and see no reason to repeat the District Court's discussion. We agree with the denial of the plaintiff's application and essentially for the reasons stated in the District Court opinion,

we will affirm.