

April 23, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-31021  
Summary Calendar  
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JERRY W HUDGENS

Plaintiff - Appellant

v.

JO ANNE B BARNHART, COMMISSIONER OF SOCIAL SECURITY

Defendant - Appellee

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Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 00-CV-31-M1  
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Before KING, Chief Judge, and HIGGINBOTHAM and WIENER, Circuit  
Judges.

PER CURIAM:\*

Jerry W. Hudgens appeals a judgement affirming the  
Commissioner of Social Security's determination that Hudgens is  
not disabled within the meaning of the Social Security Act.  
Hudgens argues that the Administrative Law Judge (ALJ) applied  
the wrong legal standard and that the decision is contrary to the  
evidence. It is undisputed that Hudgens is currently disabled;  
however, his application for disability benefits was denied on  
the basis that he failed to establish that the disability existed

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\* Pursuant to 5<sup>TH</sup> 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that this opinion should not be published and is not precedent  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 5<sup>TH</sup> CIR. R.  
47.5.4.

on December 31, 1991, the date that his insured status under the Social Security Act expired.

The ALJ applied the correct legal standard, and substantial evidence from medical records compiled by Hudgens' treating physician supports the ALJ's finding that Hudgens was capable of at least light work on the date that his insured status expired. Ripley v. Chater, 67 F.3d 552, 555 (5<sup>th</sup> Cir. 1995); Greenspan v. Shalala, 38 F.3d 232, 237 (5<sup>th</sup> Cir. 1994). The decision of the district court affirming the Commissioner's decision is AFFIRMED.

AFFIRMED.