

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-21010
Summary Calendar

ELMER BERRY,

Plaintiff-Appellant,

versus

SHIRLEY S. CHATER,
COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-94-4265
- - - - -

July 30, 1996

Before GARWOOD, WIENER and PARKER, Circuit Judges.

PER CURIAM:*

Elmer Berry appeals the district court's grant of summary judgment affirming the Commissioner of Social Security's determination that Berry is not disabled within the meaning of the Social Security Act. He argues that "[t]hrough an erroneous interpretation of the record, the District Court applied an improper standard of review," that the ALJ failed to give

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

controlling weight to the opinion of his examining physician, that the vocational expert mischaracterized his past relevant work as semi-skilled, and that there was not substantial evidence that there were jobs available in the national economy that he was capable of performing. Our review of the arguments and the record reveals no error. See Villa v. Sullivan, 895 F.2d 1019, 1021 (5th Cir. 1990).

AFFIRMED.