

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50900
Summary Calendar

DON MARTIN,

Plaintiff-Appellant,

versus

KENNETH S. APFEL, Commissioner of
Social Security,

Defendant-Appellee.

Appeal from the United States District Court for the
Northern District of Texas
USDC No. SA-96-CV-1367

May 19, 1998

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Don Martin appeals the affirmance of the Commissioner's decision denying him social security disability and supplemental income benefits.

IT IS ORDERED that the Commissioner's unopposed motion to substitute his appellate brief with an amended brief is GRANTED.

Martin argues that the Commissioner misapplied the law concerning a trial work period in the Commissioner's determination

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

that Martin's return to work before twelve months from the date of the alleged onset of disability resulted in Martin's failure to meet the duration requirement for disability. We have carefully reviewed the arguments and appellate record. We conclude that the Commissioner applied the correct legal standards. See Orphey v. Secretary of Health & Human Servs., 962 F.2d 384, 386 (5th Cir. 1992); Cieutat v. Bowen, 824 F.2d 348, 358-59 (5th Cir. 1987).

AFFIRMED. MOTION GRANTED.