

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10849
Summary Calendar

DANNY E. LIKES,

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. 6:98-CV-78-C
- - - - -

July 28, 2000

Before HIGGINBOTHAM, DUHE', and WIENER, Circuit Judges.

PER CURIAM:¹

Danny E. Likes appeals the district court's summary judgment affirming the Commissioner's decision denying disability benefits under 42 U.S.C. § 405(g). He argues that there is no substantial (or credible) evidence to support the Commissioner's determination that alcohol was a material factor in his medical condition.

The Commissioner's decision is supported by substantial evidence in light of the lay testimony and medical history. Newton v. Apfel, 209 F.3d 448, 452 (5th Cir. 2000). Likes has failed to carry his burden of proving that his alcohol addiction is

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

not a contributing factor material to his disability. Brown v. Apfel, 192 F.3d 492, 498 (5th Cir. 1999). Accordingly, the judgment of the district court is AFFIRMED.