

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-1066**

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HARRY R. BAILEY,

Plaintiff - Appellant,

versus

KENNETH S. APFEL, COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, District Judge; James K. Bredar, Magistrate Judge. (CA-98-3706-CCB)

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Submitted: June 30, 2000

Decided: July 19, 2000

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Before WIDENER, MURNAGHAN, and LUTTIG, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Stephen F. Shea, WILLONER, CALABRESE & ROSEN, P.A., College Park, Maryland, for Appellant. Lynne A. Battaglia, United States Attorney, Nadira Clark, Assistant United States Attorney, Baltimore, Maryland; Arthur J. Fried, General Counsel, Charlotte J. Hardnett, Principal Deputy General Counsel, John M. Sacchetti, Associate General Counsel, Frieda Schlemeyer Colfelt, Office of General Counsel, SOCIAL SECURITY ADMINISTRATION, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Harry R. Bailey appeals the magistrate judge's order granting summary judgment in favor of the Commissioner of Social Security.\* Bailey brought this action in the district court pursuant to 42 U.S.C.A. § 405(g) (West Supp. 2000), seeking review of a final decision of the Commissioner of Social Security determining that Bailey could not exclude resources for basic living expenses from his countable income as expenditures necessary to fulfill the occupational goals embodied in his Plan to Achieve Self Support. See 20 C.F.R. §§ 416.1225-1227 (1999). Bailey also sought review of the Commissioner's refusal to waive recovery of the overpayment which resulted from the improper exclusion. See 20 C.F.R. § 416.550 (1999). We have reviewed the record and the magistrate judge's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the magistrate judge. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

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\* The parties consented to the jurisdiction of the magistrate judge under 28 U.S.C. § 636(c) (1994).