

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-1247**

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PHILLIP A. CLEMONS,

Plaintiff - Appellant,

versus

COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

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Appeal from the United States District Court for the Western District of Virginia, at Danville. Glen E. Conrad, Magistrate Judge. (CA-02-4-4)

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Submitted: June 24, 2003

Decided: July 21, 2003

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Before LUTTIG, WILLIAMS, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Phillip A. Clemons, Appellant Pro Se. James Anthony Winn, Assistant Regional Counsel, Dina White Griffin, SOCIAL SECURITY ADMINISTRATION, Philadelphia, Pennsylvania; Julie C. Dudley, Assistant United States Attorney, Sara Bugbee Winn, OFFICE OF THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Phillip A. Clemons seeks review of the magistrate judge's order\* affirming the Commissioner's denial of Social Security disability insurance benefits to Clemons prior to August 10, 1997, based on its finding that Clemons was not totally disabled until that date. We review the Commissioner's final decision to determine whether it is supported by substantial evidence and whether the correct law was applied. Pass v. Chater, 65 F.3d 1200, 1203 (4th Cir. 1995). We have reviewed the record and conclude the Commissioner's decision is based upon substantial evidence. Accordingly, we affirm on the reasoning of the magistrate judge. See Clemons v. Commissioner of Social Security, No. CA-02-4-4 (W.D. Va. Jan. 28, 2003). 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 review by a magistrate judge pursuant to 28 U.S.C. § 636(c)(2) (2000).