

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1093

CARTER M. BURKE,

Plaintiff - Appellant,

versus

COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Jerome B. Friedman, District Judge. (CA-02-319-2)

Submitted: May 28, 2004

Decided: July 1, 2004

Before GREGORY and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Carter M. Burke, Appellant Pro Se. Susan Lynn Watt, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Carter M. Burke seeks review of the district court's order accepting the magistrate judge's recommendation to affirm the administrative law judge's denial of disability benefits based on Burke's lack of sufficient quarters of coverage at the time of disability for DIB purposes. Our review of the record discloses that the Commissioner's decision is based upon substantial evidence and is without reversible error. In addition, we note that Burke's argument that he obtained sufficient quarters of coverage based on his military service was waived on appeal because he did not note specific objections to the magistrate judge's finding that his date last insured for DIB purposes was March 31, 1991. See Fed. R. Civ. P. 72(b); Thomas v. Arn, 474 U.S. 140, 155 (1985). Accordingly, we affirm the district court's order. See Burke v. Commissioner, Soc. Sec., No. CA-02-319-2 (E.D. Va. Dec. 22, 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