

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1120

THOMAS E. QUESENBERRY,

Plaintiff - Appellant,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Abingdon. Pamela Meade Sargent, Magistrate Judge. (1:06-cv-00116-pms)

Submitted: August 28, 2008

Decided: September 12, 2008

Before MOTZ and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Deborah K. Garton, HENSLEY, MUTH, GARTON & HAYES, Bluefield, West Virginia, for Appellant. John L. Brownlee, United States Attorney, Sara Bugbee Winn, Assistant United States Attorney, Roanoke, Virginia; Michael McGaughran, Regional Chief Counsel, Region III, William Reeser, Supervisory Attorney, Michelle Scotese, Special Assistant United States Attorney, Social Security Administration, OFFICE OF THE GENERAL COUNSEL, Philadelphia, Pennsylvania, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas E. Quesenberry appeals the magistrate judge's order affirming the Commissioner's decision to deny Quesenberry a period of disability and disability insurance benefits.* We must uphold the decision to deny benefits if the decision is supported by substantial evidence and the correct law was applied. See 42 U.S.C. § 405(g) (2000); Craig v. Chater, 76 F.3d 585, 589 (4th Cir. 1996). We have thoroughly reviewed the parties' briefs, administrative record, and the materials submitted in the joint appendix, and find no reversible error. Accordingly, we affirm. See Quesenberry v. Astrue, No. 1:06-cv-00116-pms (W.D. Va. Oct. 10, 2007). 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

*The parties consented to the jurisdiction of the magistrate judge in accordance with 28 U.S.C. § 636(c) (2000).