

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-1496

ELLEN S. HOLDER,

Plaintiff - Appellant,

versus

KENNETH S. APFEL, COMMISSIONER OF SOCIAL
SECURITY,

Defendant - Appellee.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Deborah K. Chasanow, District Judge. (CA-
97-1749-DKC)

Submitted: December 15, 1998

Decided: March 5, 1999

Before WIDENER, ERVIN, and HAMILTON, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Ellen S. Holder, Appellant Pro Se. Mona M. Bennett, SOCIAL SECUR-
ITY ADMINISTRATION, Philadelphia, Pennsylvania, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ellen Holder pursued a claim for disability insurance benefits under the Social Security Act, alleging disability due to back, head, and neck injuries. An administrative law judge (ALJ) determined that Holder retained the capacity to perform her past relevant work and therefore was not disabled. The Appeals Council upheld the ALJ's decision, which became the final decision of the Commissioner of Social Security (Commissioner).

Holder then filed this action. The parties consented to the jurisdiction of a magistrate judge, see 28 U.S.C. § 636(c)(1) (1994). The magistrate judge found that substantial evidence supported the Commissioner's decision and granted summary judgment to the Commissioner. Holder appeals.

We review the denial of disability insurance benefits to determine whether the Commissioner applied the correct legal standards and whether substantial evidence supports his findings. See Craig v. Chater, 76 F.3d 585, 589 (4th Cir. 1996). Having carefully considered the record under this standard, we affirm on the reasoning of the magistrate judge. See Holder v. Apfel, No. CA-97-1749-DKC (D. Md. Feb. 2, 1998).* We dispense with oral argument

* Holder has submitted to this court evidence that was not before the Commissioner or the magistrate judge. We decline to consider this evidence. Further, we note that remand to the Commissioner for consideration of the evidence is not warranted. See 42 U.S.C. § 405(g) (1994); Wilkins v. Secretary, 953 F.2d 93, 96 (4th Cir. 1991); Borders v. Heckler, 777 F.2d 954, 955 (4th Cir. 1985).

because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED