

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-1626

MARIE M. CHITWOOD,

Plaintiff - Appellant,

versus

KENNETH S. APFEL,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Glen E. Conrad, Magistrate Judge. (CA-98-535-7)

Submitted: October 29, 1999

Decided: November 19, 1999

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

Affirmed by unpublished per curiam opinion.

Charles D. Bennett, Jr., Roanoke, Virginia, for Appellant. James A. Winn, Chief Counsel, Region III, Patricia M. Smith, Deputy Chief Counsel, William B. Reeser, Assistant Regional Counsel, Office of the General Counsel, SOCIAL SECURITY ADMINISTRATION, Robert P. Crouch, Jr., United States Attorney, Thomas L. Eckert, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Marie M. Chitwood appeals from the magistrate judge's order* granting summary judgment to the Commissioner of Social Security on her claim for disability benefits. Having reviewed the briefs and the administrative record, we find that substantial evidence supported the Administrative Law Judge's decision denying benefits. Accordingly, we affirm on the reasoning of the magistrate judge. See Chitwood v. Apfel, No. CA-98-535-7 (W.D. Va. Mar. 18, 1999). We deny Chitwood's motion for a remand because she failed to demonstrate that the information contained in Dr. Lemmer's letter was new and material evidence. See 42 U.S.C. § 405(g) (1994). 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 pursuant to 28 U.S.C. § 636(c)(1) (1994).