

Not for Publication in West's Federal Reporter
Citation Limited Pursuant to 1st Cir. Loc. R. 32.3

United States Court of Appeals For the First Circuit

No. 02-2140

WANDA ROLDAN,
Administratrix of the Estate of Rene M. Roldan,

Plaintiff, Appellant,

v.

JO ANNE B. BARNHART,
Acting Commissioner of Social Security,

Defendant, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Morris E. Lasker, Senior U.S. District Judge]

Before

Boudin, Chief Judge,
Campbell, Senior Circuit Judge,
and Lipez, Circuit Judge.

Michael James Kelly on brief for appellant.
George B. Henderson, II, Assistant United States Attorney,
Michael J. Sullivan, United States Attorney, and Michael E. Kerpan, Jr.,
Assistant Regional Counsel, Office of the Chief Counsel,
Region I, Social Security Administration on brief for appellee.

April 29, 2003

Per Curiam. After carefully reviewing the briefs and record on appeal, we affirm substantially for the reasons stated by the district court.

The appellant argues that the administrative law judge ignored material evidence and substituted his judgment for expert medical opinion. However, substantial evidence supported the determination that the claimant would not have been disabled if he had not been drinking. 20 C.F.R. § 404.1535(b). The record contains ample evidence linking the claimant's symptoms to ongoing alcohol abuse, in addition to liver disease. Ortiz v. Secretary of Health and Human Services, 955 F.2d 765, 769 (1st Cir. 1991).

Affirmed. Loc. R. 27(c).