

Not For Publication in West's Federal Reporter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. 04-1747

FRANK BRUN, JR.,
Plaintiff, Appellant,
v.

JO ANNE B. BARNHART, COMMISSIONER,
SOCIAL SECURITY ADMINISTRATION,
Defendant, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

[Hon. John A. Woodcock, Jr., U.S. District Judge]

Before
Selya, Lynch and Howard,
Circuit Judges.

Francis M. Jackson and Jackson & MacNichol on brief for
appellant.

Paula D. Silsby, United States Attorney and Karen B. Burzycki,
Special Assistant United States Attorney, on brief for appellee.

April 18, 2005

Per Curiam. Claimant Frank Brun, Jr. appeals from the judgment of the district court upholding the denial of Social Security disability benefits. After carefully reviewing the record and the parties' briefs, we affirm this judgment for essentially the reasons stated in the magistrate judge's Report and Recommended Decision which the district judge adopted. See Jones v. Barnhart, 315 F.3d 974, 979 (8th Cir. 2003) (presence of 75,000 surveillance system monitor jobs nationwide represents "substantial gainful work which exists in the national economy"). We add only that SEC v. Chenery Corp., 318 U.S. 80 (1943), does not require a remand in this case. That is, since the administrative law judge had cited the job of surveillance system monitor as an example of the kind of work that claimant could perform, we are not affirming on a ground that the agency never had considered.

Affirmed. See Local Rule 27(c).