

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-2994

Michael L. Haynes,

Appellant,

v.

Kenneth S. Apfel, Commissioner,
Social Security Administration,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: October 5, 2000
Filed: October 12, 2000

Before BEAM, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Michael L. Haynes appeals the district court's¹ grant of summary judgment in favor of the Commissioner of Social Security, upholding the Commissioner's cessation of Haynes's disability insurance benefits based on a finding that alcoholism was a contributing factor material to his disability. Having carefully reviewed the record and the parties' briefs, we conclude substantial evidence supported the Commissioner's

¹The Honorable Jerry W. Cavaneau, United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

decision. See 42 U.S.C. § 423(d)(2)(C) (“An individual shall not be considered to be disabled for purposes of this subchapter if alcoholism or drug addiction would . . . be a contributing factor material to the Commissioner’s determination that the individual is disabled.”); Pettit v. Apfel, 218 F.3d 901, 903 (8th Cir. 2000) (claimant has initial burden of showing that alcoholism or drug addiction is not material to finding of disability); Rehder v. Apfel, 205 F.3d 1056, 1059 (8th Cir. 2000) (standard of review). Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.