

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

No. 00-2515

Belva J. Vaughn,

Appellant,

v.

Larry G. Massanari,¹ Acting
Commissioner of Social Security
Administration,

Appellee.

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

[UNPUBLISHED]

Submitted: June 7, 2001
Filed: June 15, 2001

Before HANSEN, MORRIS SHEPPARD ARNOLD, and BYE, Circuit Judges.

PER CURIAM.

¹Larry G. Massanari has been appointed to serve as Acting Commissioner of Social Security, and is substituted as appellee pursuant to Federal Rule of Appellate Procedure 43(c)(2).

Belva Vaughn appeals the district court's² order affirming the Commissioner's termination of Vaughn's supplemental security income benefits, which had been awarded in part because of her alcoholism. Having carefully reviewed the record and the parties' briefs, we conclude substantial evidence supported the Commissioner's decision to end the benefits. See 42 U.S.C. § 423(d)(2)(C) (individual shall not be considered disabled for purposes of this subchapter if alcoholism would be contributing factor material to Commissioner's determination that individual is disabled); 20 C.F.R. § 416.935(b)(1) (2001) ("key factor" in determining whether alcoholism is material to determination of disability is whether claimant would still be found disabled if she stopped using alcohol); Pettit v. Apfel, 218 F.3d 901, 903 (8th Cir. 2000) (claimant who is no longer using alcohol still has initial burden of showing that remaining impairments are disabling); 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.

²The Honorable Henry L. Jones, Jr., 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).