

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

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No. 98-2541

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Barbara J. Ochoa,

Appellant,

v.

Kenneth S. Apfel,

Appellee.

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\*  
\* Appeal from the United States  
\* District Court for the  
\* District of Minnesota.  
\*  
\* [UNPUBLISHED]  
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Submitted: September 7, 1999  
Filed: September 10, 1999

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Before BEAM, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

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PER CURIAM.

Barbara Ochoa appeals the district court's<sup>1</sup> grant of summary judgment in favor of the Commissioner of Social Security, upholding the Commissioner's decision to deny Ochoa's application for disability insurance benefits. Having carefully reviewed the record, we conclude substantial evidence on the record as a whole supported the Commissioner's decision that Ochoa was not disabled within the meaning of the Social

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<sup>1</sup>The Honorable Michael J. Davis, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Franklin L. Noel, United States Magistrate Judge for the District of Minnesota.

Security Act, and we affirm the judgment of the district court for the reasons set forth in the magistrate judge's report, which the district court adopted. See 8th Cir. R. 47B.

A true copy.

Attest:

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