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Bailey v. Comm Social Security

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 01-2539

HAROLD J. BAILEY,

Appellant

v.

*LARRY G. MASSANARI,
Acting Commissioner of Social Security

*(Pursuant to F.R.A.P. 43(c))

On Appeal from the United States District Court
for the Western District of Pennsylvania

District Court Judge: The Honorable D. Brooks Smith
(D.C. Civil No. 00-127J)

Submitted Under Third Circuit L.A.R. 34.1(a)
January 16, 2002

Before: RENDELL, FUENTES, and MAGILL, Circuit Judges

(Opinion Filed: January 25, 2002)

MEMORANDUM OPINION

FUENTES, Circuit Judge:

Plaintiff Harold J. Bailey appeals the District Court's dismissal of his complaint seeking judicial review of the final decision of the Commissioner of Social Security denying his application for Supplemental Security Income.

Our review is limited to determining whether the Commissioner's decision is supported by substantial evidence. 42 U.S.C. §§ 405(g), 1383(c)(3). This Court neither undertakes a de novo review of the decision, nor does it re-weigh the evidence in the record. *Monsour Med. Ctr. v. Heckler*, 806 F.2d 1185, 1190 (3d Cir. 1986). "We will not set the Commissioner's decision aside if it is supported by substantial evidence, even if we would have decided the factual inquiry differently." *Hartanft v. Apfel*, 181 F.3d 358, 360 (3d Cir. 1999). Substantial evidence is evidence that is less than a preponderance, but more than a mere scintilla. *Richardson v. Perales*, 402 U.S. 389, 401 (1971). That is, it "does not mean a large or considerable amount of evidence, but rather 'such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.'" *Pierce v. Underwood*, 487 U.S. 552, 565 (1988) (quoting *Consolidated Edison Co. v. NLRB*, 305 U.S. 197, 229 (1938)); accord *Hartranft*, 181 F.3d at 360.

We have carefully considered Bailey's arguments in this appeal and find that they lack merit. For the reasons substantially stated in the well-reasoned and thorough opinion of Judge Smith, we find that the ALJ's decision was supported by substantial evidence and we therefore affirm.

TO THE CLERK OF THE COURT:

Kindly file the foregoing Opinion.

/s/Julio M. Fuentes
Circuit Judge