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2003 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

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4-23-2003

## Ahern v. Comm Social Security

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 02-4239

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MICHAEL J. AHERN,

Appellant

v.

COMMISSIONER OF SOCIAL SECURITY

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On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civ. No. 01-03527)  
Honorable John W. Bissell, Chief Judge

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Submitted under Third Circuit LAR 34.1(a)  
April 8, 2003

BEFORE: ALITO, FUENTES, and GREENBERG, Circuit Judges

(Filed: April 23, 2003)

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OPINION OF THE COURT

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GREENBERG, Circuit Judge.

This matter comes on before this court on appeal from an order for judgment entered on September 19, 2002, in this action in which the district court affirmed the denial by an administrative law judge of appellant Michael J. Ahern's request for disability

insurance under Title II of the Social Security Act. On this appeal we exercise plenary review over the decision of the district court, see Knepp v. Apfel, 204 F.3d 78, 83 (3d Cir. 2000), but we uphold the administrative decision if supported by substantial evidence. See Richardson v. Perales, 402 U.S. 389, 390, 91 S.Ct. 1420, 1422 (1971). On this appeal Ahern contends that we should reverse because the administrative law judge’s “conclusion that [he] did not suffer a severe impairment prior to his date last insured is directly contradicted by medical expert testimony.” Br. of appellant at 4.

Chief Judge Bissell fully set forth the background of this matter in his opinion and in the circumstances we see no need to repeat it. Exercising the appropriate standards of review we find no basis to disturb the order of the district court. Consequently the order of September 19, 2002, will be affirmed.

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TO THE CLERK:

Please file the foregoing not precedential opinion.

/s/ Morton I. Greenberg

Circuit Judge