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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM SCOTT BAUMHOFER,

Plaintiff - Appellant,

v.

COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION,

Defendant - Appellee.

No. 11-35402

D.C. No. 3:10-cv-00356-KI

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Garr M. King, District Judge, Presiding

Submitted September 24, 2013\*\*

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

William Scott Baumhofer appeals pro se from the district court’s judgment affirming the Commissioner of Social Security’s denial of his application for a voluntary Medicare prescription drug subsidy. We have jurisdiction under 28

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

U.S.C. § 1291. We review de novo, *Vasquez v. Astrue*, 572 F.3d 586, 590 (9th Cir. 2008), and we affirm.

Substantial evidence supports the conclusion that Baumhofer was not eligible for a Medicare prescription drug (Part D) Low Income Subsidy based on his October 3, 2008 application because Baumhofer's countable resources exceeded the limit established by law. *See Vasquez*, 572 F.3d at 591 (discussing the "substantial evidence" standard applied to Social Security benefit denials); 20 C.F.R. § 418.3101 (explaining how to become eligible for voluntary Medicare prescription drug subsidy absent "deemed eligibility"); 42 C.F.R. § 423.773 (specifying requirements for Medicare prescription drug subsidy eligibility).

Baumhofer's contentions that the Social Security Administration failed to back-date a subsequent decision to award him the subsidy, and that it wrongfully delayed the release of documents, are unpersuasive and unsupported by the record.

**AFFIRMED.**