

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-30643
Summary Calendar

JOHNNY CHATMAN,

Plaintiff-Appellant,

versus

KENNETH S. APFEL, COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
(97-CV-1715)

March 3, 1999

Before POLITZ, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

In contesting the denial of supplemental and disability income, Johnny Chatman maintains that the Administrative Law Judge did not compare his residual capacity with the physical and mental demands of his past relevant work and did not make specific findings regarding his residual functional capacity; challenges the ALJ's determination that his testimony regarding his ability to return to such past work was not credible; asserts that the ALJ's determination was not supported by substantial evidence; and contends that the ALJ erred by failing to act on his request for a consultative psychological examination at government expense.

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Chatman failed to exhaust his administrative remedies regarding the psychological examination because he did not raise his contention before the Appeals Council in his request for review of the ALJ's decision; therefore, we lack jurisdiction to review that issue. *E.g.*, ***Paul v. Shalala***, 29 F.3d 208, 210 (5th Cir. 1994); *see also* 20 C.F.R. §§ 404.900(b), 416.1400(b).

For the remaining issues, we cannot disturb the Commissioner's determinations unless substantial evidence does not exist in the record to support them, or an error of law was made. ***Leggett v. Chater***, 67 F.3d 558, 564 (5th Cir. 1995). Pursuant to our review of the record, we find no reversible error.

AFFIRMED