

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 98-50042  
Summary Calendar

---

EDWARD D. KALKA,

Plaintiff-Appellant,

versus

KENNETH S. APFEL, COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

- - - - -  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-97-CV-378  
- - - - -

December 16, 1998

Before REAVLEY, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Edward D. Kalka has appealed the district court's decision affirming the Commissioner of Social Security's denial of his application for disability insurance benefits. Kalka contends that the Commissioner's decision is not supported by substantial evidence. Kalka argues that the Commissioner failed to make a proper credibility determination with respect to his subjective complaints of pain and that the Commissioner should have consulted a vocational expert. Kalka also contends that the

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Commissioner erred in not finding him disabled under Rule 201.06 of Appendix 2. Essentially for reasons adopted by the district court, see Kalka v. Callahan, No. SA-97-CV-378 (W.D. Tex. Nov. 5, 1997) (unpublished), the district court's judgment is

AFFIRMED.