UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-5639
Summary Calendar

JOHN CENTOBEN, Social Security No. XXX-XX-XXXX,

Plaintiff-Appellant,

versus

DONNA E. SHALALA, Secretary of Health and Human Services,

Defendant-Appellee.

Appeal from the United States District Court
from the Eastern District of Texas
(1:93-CV-4)

(December 19, 1994)

Before JONES, BARKSDALE and BENAVIDES, Circuit Judges.

By EDITH H. JONES, Circuit Judge:*

Appellant John Centoben applied for Social Security disability insurance benefits alleging that he had been disabled since August 8, 1986 due to "heat exhaustion syndrome," headaches, cramps, and severe depression. Centoben's application was denied administratively by the Department of Health and Human Services. Centoben appealed the denial of benefits to an administrative law judge and to the agency's appellate council, before filing suit in

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

United States District Court. The district court affirmed the decision to deny benefits. Centoben appeals that ruling.

In this case, the ALJ found that Centoben could no longer perform his past relevant work, but that he could perform a full range of sedentary work. Based on these findings and Centoben's age and educational background, the ALJ found that Centoben was not disabled according to the appropriate regulations and guidelines, and the Appeals Council affirmed. This court agrees, for the reasons given by the district court, that the ALJ was not required to give controlling weight to the opinion of Centoben's treating physician Dr. Finch and that substantial evidence supports the ALJ's finding of no disability.

As to the Appellant's assertion that the ALJ erred by relying on the vocational guidelines instead of calling vocational experts, however, this argument was not properly preserved for appeal because Appellant (who was represented by counsel at the administrative hearing) did not argue to the ALJ or Appeals Council that a vocational expert should be called. Because the request for a vocational expert was raised for the first time only in the district court, granting the requested relief (i.e. calling of a vocational expert) at this stage is improper. Paul v. Shalala, 29 F.3d 208, 210 (5th Cir. 1994) (appellant's failure to exhaust administrative remedies deprives this court of jurisdiction to review the claim).

For the foregoing reasons, the judgment of the district court is **AFFIRMED**.