

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-30247  
Summary Calendar

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MATILDA THOMAS,

Plaintiff-Appellant,

versus

KENNETH S. APFEL, COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 98-CV-1137  
- - - - -

September 6, 2000

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Matilda Thomas appeals the district court's affirmance of the Social Security Commissioner's decision to deny her disability insurance benefits under the Social Security Act.

Thomas argues that the district court erred in sua sponte ruling that her current application for benefits was barred by the res judicata doctrine, based on the Secretary's December 24, 1992, decision to deny her benefits with respect to an earlier application. (Thomas' current application concerns the period between December 25, 1992, the alleged onset date of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

her disability, and March 31, 1993, the date her disability insured status expired.)

Regardless whether the district court may have erred in relying on res judicata, this court may affirm on any basis apparent from the record. See Sojourner T v. Edwards, 974 F.2d 27, 30 (5th Cir. 1992). Neither in her appellate brief nor in her reply brief has Thomas argued that the Commissioner's determination that she was "not disabled" was unsupported by the testimonial and medical evidence. Moreover, in her administrative proceedings, Thomas presented no relevant or credible medical evidence to suggest that she was disabled in the period after December 24, 1992. The Commissioner's determination that Thomas was not disabled was supported by "substantial evidence." See Greenspan v. Shalala, 38 F.3d 232, 236 (5th Cir. 1994).

The district court's affirmance of the Commissioner's decision is AFFIRMED.