

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-41204  
Summary Calendar

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AURORA DE LA PAZ,

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 Southern District of Texas  
USDC No. C-97-CV-413  
- - - - -

August 5, 1999

Before SMITH, BARKSDALE, and PARKER, Circuit Judges.

PER CURIAM:\*

Aurora De La Paz appeals from the district court's judgment affirming the denial of her application for disability insurance benefits and supplemental security income. She argues that the Administrative Law Judge ("ALJ") erred in disregarding De La Paz's subjective complaints while assessing her residual functional capacity, the ALJ posed inadequate hypothetical questions to the vocational expert, and the Commissioner's determination regarding her disability status was not supported

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

by substantial evidence. Because De La Paz failed to exhaust her administrative remedies by raising her argument regarding the hypothetical questions before the Appeals Council in her request for review of the ALJ's decision, we lack jurisdiction to review this issue. See McQueen v. Apfel, 168 F.3d 152, 155 (5th Cir. 1999); Paul v. Shalala, 29 F.3d 208, 210 (5th Cir. 1994).

We have reviewed the record and find that the ALJ's finding regarding De La Paz's residual functional capacity and the Commissioner's determination of her disability status were supported by substantial evidence. See Leggett v. Chater, 67 F.3d 558, 564 (5th Cir. 1995).

AFFIRMED.