

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-60578
Summary Calendar

GLYNN WALLACE,

Plaintiff-Appellant,

versus

KENNETH S. APFEL, COMMISSIONER OF SOCIAL SECURITY,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:97-CV-339
- - - - -

July 7, 1999

Before WIENER, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Glynn Wallace appeals from the dismissal of his complaint seeking social security disability and supplemental security income benefits. Wallace, who is represented by counsel, contends that the administrative law judge (ALJ) erred by failing to call a vocational expert to testify before finding that he was able to perform sedentary work. Wallace asserts that a vocational expert is a necessity once an ALJ finds that a claimant may not return to his past relevant work. Wallace contends that the ALJ erred by finding his testimony about pain not credible. He alleges that he suffered from a combination of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

impairments that he does not specify. He argues that there was no evidence of a lack of veracity on his part, as he believes is required before an ALJ may reject a claimant's credibility. He argues, without elaboration, that the ALJ erred by making his decision solely on the medical-vocational guidelines contained in the social security regulations and he suggests that the ALJ failed to carry his burden of showing that there was work existing in Mississippi that Wallace could perform.

Wallace did not exhaust his administrative remedies regarding whether the testimony of a vocational expert was necessary and whether the ALJ's credibility findings were erroneous, as he did not raise those contentions before the Appeals Council. Equitable concerns do not persuade us to examine those issues. *Paul v. Shalala*, 29 F.3d 208, 210 (5th Cir. 1994).

Wallace provides no legal arguments to support his assertions that the ALJ erred by making his decision solely on the medical-vocational guidelines contained in the social security regulations and that the ALJ failed to carry his burden of showing that there was work existing in Mississippi that Wallace could perform. He has failed to brief those issues for appeal. *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Wallace's appeal is without arguable merit and is frivolous. *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983). Because it is frivolous, the appeal is dismissed.

APPEAL DISMISSED. 5TH CIR. R. 42.2.