

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1166

CAROL L. ORDEWALD,

Plaintiff - Appellant,

versus

JO ANNE B. BARNHART, Commissioner of Social
Security,

Defendant - Appellee.

Appeal from the United States District Court for the Western
District of Virginia, at Harrisonburg. Glen E. Conrad, District
Judge. (CA-04-32-GEC)

Submitted: October 31, 2005

Decided: December 16, 2005

Before NIEMEYER, TRAXLER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Daniel Schorsch, POINDEXTER, SCHORSCH & PATTERSON, Waynesboro,
Virginia; Charles E. Samuels, HUBARD, SAMUELS & LEWANE, Richmond,
Virginia, for Appellant. Donna L. Calvert, Regional Chief Counsel,
Patricia M. Smith, Deputy Chief Counsel, Margaret M. Maguire,
Assistant Regional Counsel, Philadelphia, Pennsylvania; John L.
Brownlee, United States Attorney, Julie C. Dudley, Assistant United
States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Carol L. Ordewald appeals the district court's order affirming the Commissioner's denial of disability insurance benefits. We must uphold the decision to deny benefits if the decision is supported by substantial evidence and the correct law was applied. See 42 U.S.C. § 405(g) (2000); Craig v. Chater, 76 F.3d 585, 589 (4th Cir. 1996).

In challenging the sufficiency of the evidence on appeal, Ordewald's sole argument is that, in his hypothetical to the vocational expert, the Administrative Law Judge failed to incorporate Ordewald's anticipated absenteeism, a limitation to Ordewald's residual functional capacity noted by the medical expert. Because this claim was not raised in the district court, Ordewald may not raise it now on appeal. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993) (holding that issues raised for the first time on appeal are generally waived absent exceptional circumstances). To the extent that Ordewald raises a general challenge to the sufficiency of the evidence, we conclude that substantial evidence supports the Commissioner's decision.

Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED