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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FRANK SALMERON WALKER,

Plaintiff - Appellant,

v.

CAROLYN W. COLVIN, Commissioner  
Social Security Administration,

Defendant - Appellee.

No. 14-17302

D.C. No. 5:13-cv-05037-BLF

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Beth Labson Freeman, District Judge, Presiding

Submitted February 24, 2016\*\*

Before: LEAVY, FERNANDEZ, and RAWLINSON, Circuit Judges.

Frank Salmeron Walker appeals pro se from the district court's summary judgment affirming the Administrative Law Judge's ("ALJ") decision denying his request that the Social Security Administration waive recovery of overpaid

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

disability insurance benefits. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Anderson v. Sullivan*, 914 F.2d 1121, 1122 (9th Cir. 1990), and we affirm.

The ALJ applied the proper legal standard and substantial evidence supported the ALJ's finding that Walker was "not without fault" and therefore did not qualify for a waiver of recovery for overpayment. 42 U.S.C. § 404(b); *see also McCarthy v. Apfel*, 221 F.3d 1119, 1126 (9th Cir. 2000) (discussing "without fault" in the context of a waiver of recovery for overpayment of disability insurance benefits); *Anderson*, 914 F.2d at 1122 (the ALJ's "refusal to waive repayment should be affirmed if supported by substantial evidence and if the [ALJ] applied the proper legal standard").

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

All pending motions and requests are denied.

**AFFIRMED.**