

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-1797

Lloyd Hamm, Sr.,

Appellant,

v.

Michael J. Astrue,
Social Security Administration,
Commissioner,

Appellee.

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Appeal from the United States
District Court for the Western
District of Arkansas

[UNPUBLISHED]

Submitted: January 16, 2008

Filed: March 10, 2008

Before LOKEN, Chief Judge, MURPHY, Circuit Judge, and JARVEY, District Judge¹

JARVEY, District Judge.

Lloyd Hamm, Sr. appeals from the decision of the district court² affirming the Commissioner of Social Security's denial of his application for disability insurance benefits under Title II of the Social Security Act.

¹Judge John A. Jarvey, United States District Judge for the Southern District of Iowa, sitting by designation.

²The Honorable James M. Moody, United States District Judge for the Western District of Arkansas.

This court reviews de novo a district court's decision upholding the denial of social security benefits. Pelkey v. Barnhart, 433 F.3d 575, 577 (8th Cir. 2006). The Commissioner's decision must be affirmed if it is supported by substantial evidence in the record as a whole. Id. "Substantial evidence is relevant evidence that a reasonable mind would accept as adequate to support the commissioner's conclusion." Young v. Apfel, 221 F.3d 1065, 1068 (8th Cir. 2000). The whole record is considered, "including evidence that supports as well as detracts from the Commissioner's decision, and we will not reverse simply because some evidence may support the opposite conclusion." Pelkey, 433 F.3d at 577. Further, this court will defer to the ALJ's credibility determinations as long as they are "supported by good reasons and substantial evidence." Id. (quoting Guilliams v. Barnhart, 393 F.3d 798, 801 (8th Cir. 2005)).

Hamm filed his initial application for Social Security disability benefits on January 17, 1995. While that application was pending, Hamm filed a second application for Social Security disability benefits on April 16, 2001, which was granted in August of 2002. Therefore, this court's review is limited to the Commissioner's finding that Hamm was not disabled as of January 17, 1995 through April 16, 2001.

On appeal, Hamm argues the Commissioner's decision regarding disability prior to April of 2001 is not supported by substantial evidence in the record because the hypothetical question posed by the Administrative Law Judge ("ALJ") to the vocational expert did not accurately describe his limitations, particularly with respect to his chronic depression. Hamm further argues that the ALJ improperly discounted the opinions of Hamm's treating and consulting physicians, as well as Hamm's own testimony. The court has considered the arguments of the parties and reviewed the administrative record in this matter. For the reasons set forth in Judge Moody's thorough opinion in the district court, we find that the Commissioner's determination

that Hamm was not disabled prior to April 16, 2001 is supported by substantial evidence on the record as a whole. The decision of the district court is affirmed. See 8th CIR. R. 47B.
