

United States Court of Appeals
For the Eighth Circuit

No. 22-1185

Martha Ann Wise

Plaintiff - Appellant

v.

Kilolo Kijakazi, Acting Commissioner of Social Security Administration

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Arkansas - Central

Submitted: August 24, 2022

Filed: August 29, 2022

[Unpublished]

Before LOKEN, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

Martha Wise appeals the district court's¹ order affirming the denial of disability insurance benefits and supplemental security income. We agree with the district court that substantial evidence in the record as a whole supports the adverse decision. See Kraus v. Saul, 988 F.3d 1019, 1023-24 (8th Cir. 2021) (standard of review).

We find that the administrative law judge (ALJ) properly considered the medical opinion evidence, see Bowers v. Kijakazi, 40 F.4th 872, 875-76 (8th Cir. 2022) (ALJ properly found that state agency consultants' opinions were more consistent with evidence of record); KKC ex rel. Stoner v. Colvin, 818 F.3d 364, 371 (8th Cir. 2016) (ALJ properly discounted opinion that stated claimant was disabled, which was legal determination reserved to Commissioner, and that did not identify specific functional limitations); 20 C.F.R. §§ 404.1520c(a), 416.920c(a) (ALJ will not defer to or give controlling weight to treating source opinion), and properly evaluated Wise's subjective complaints and determined her residual functional capacity (RFC), see Despain v. Berryhill, 926 F.3d 1024, 1028-29 (8th Cir. 2019) (substantial evidence supported RFC finding based on treating and other providers' notes, state agency consultants' opinions, and claimant's daily activities); McDade v. Astrue, 720 F.3d 994, 998 (8th Cir. 2013) (ALJ did not err in evaluating claimant's subjective complaints, as objective medical evidence and claimant's daily activities were not consistent with allegations). We find no evidence of ALJ bias, see Perkins v. Astrue, 648 F.3d 892, 902-03 (8th Cir. 2011) (claimant has burden of producing sufficient evidence to overcome presumption of ALJ's neutrality), and we decline to consider Wise's new arguments on appeal, see Gragg v. Astrue, 615 F.3d 932, 938 (8th Cir.

¹The Honorable Billy Roy Wilson, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Joe J. Volpe, United States Magistrate Judge for the Eastern District of Arkansas.

2010) (issues not raised before district court are waived on appeal, unless appellant shows that manifest injustice would otherwise result).

The judgment is affirmed.
