

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-1554

EMILY STERLING

Plaintiff - Appellant,

v.

ANDREW SAUL, Commissioner of Social Security Administration,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Charleston. David C. Norton, District Judge. (2:17-cv-02556-DCN)

Submitted: February 27, 2020

Decided: March 27, 2020

Before WILKINSON, FLOYD, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Dana W. Duncan, DUNCAN DISABILITY LAW, S.C., Nekoosa, Wisconsin, for Appellant. Sherri A. Lydon, United States Attorney, Marshall Prince, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina; Eric Kressman, Regional Chief Counsel, Jordana Cooper, Senior Attorney, Shannon Petty, Assistant Regional Counsel, Office of the General Counsel, SOCIAL SECURITY ADMINISTRATION, Philadelphia, Pennsylvania, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Emily Ruth Sterling appeals the district court's order accepting the recommendation of the magistrate judge and upholding the Administrative Law Judge's (ALJ) denial of Sterling's applications for disability insurance benefits and supplemental security income. "In social security proceedings, a court of appeals applies the same standard of review as does the district court. That is, a reviewing court must uphold the determination when an ALJ has applied correct legal standards and the ALJ's factual findings are supported by substantial evidence." *Brown v. Comm'r Soc. Sec. Admin.*, 873 F.3d 251, 267 (4th Cir. 2017) (citation and internal quotation marks omitted).

On appeal, Sterling challenges only the portion of the district court's order upholding the decision of the Commissioner that the new evidence Sterling submitted to the Appeals Council did not require remand to the ALJ. We have reviewed the record and perceive no reversible error. We conclude that the new evidence Sterling submitted to the Appeals Council did not require remand to the ALJ, nor did the Appeals Council err in denying Sterling's request for review. *Meyer v. Astrue*, 662 F.3d 700, 704-05 (4th Cir. 2011) (holding that Appeals Council may grant review based on additional evidence if evidence is new, material, and relates to relevant time period); *see Wilkins v. Sec'y, Dep't of Health & Human Servs.*, 953 F.2d 93, 96 (4th Cir. 1991) (en banc) (stating that evidence is material if there is reasonable probability that it would have changed outcome before ALJ). Accordingly, we affirm the district court's judgment upholding the denial of benefits. *Sterling v. Saul*, No. 2:17-cv-02556-DCN (D.S.C. Mar. 22, 2019). We dispense

with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED