

United States Court of Appeals
For the Eighth Circuit

No. 13-1729

Rebecca Lynn Melder

Plaintiff - Appellant

v.

Carolyn W. Colvin, Acting Commissioner of Social Security

Defendant - Appellee

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

Submitted: November 20, 2013

Filed: December 6, 2013

[Unpublished]

Before WOLLMAN, BYE, and KELLY, Circuit Judges.

PER CURIAM.

Rebecca Lynn Melder appeals the district court's¹ order affirming the denial of disability insurance benefits (DIB). Upon de novo review of the record, see McDade v. Astrue, 720 F.3d 994, 997-98 (8th Cir. 2013), we find no basis for overturning the administrative law judge's (ALJ's) determination that Melder was not disabled before her insured status expired, see Tilley v. Astrue, 580 F.3d 675, 676 (8th Cir. 2009) (holding DIB claimant must prove disability before expiration of insured status). To the extent Melder has properly developed the issues she raises, see Garden v. Cent. Nebraska Hous. Corp., 719 F.3d 899, 905 n.2 (8th Cir. 2013) (holding undeveloped argument is deemed waived), we find the Appeals Council did not err by declining to consider the additional evidence Melder offered in seeking review of the ALJ's adverse decision, see Bergmann v. Apfel, 207 F.3d 1065, 1069-70 (8th Cir. 2000) (explaining when evidence offered to Appeals Council must be considered); the record did not establish severe impairments other than fibromyalgia, see Kirby v. Astrue, 500 F.3d 705, 707-08 (8th Cir. 2007) (holding it is claimant's burden to establish that impairment is severe; if impairment has no more than minimal effect on claimant's ability to work, it does not qualify as severe); and the ALJ properly discounted the opinion of treating physician Fred Nagel on Melder's residual functional capacity, see Renstrom v. Astrue, 680 F.3d 1057, 1064 (8th Cir. 2012) (concluding treating physician's opinion does not automatically control). The judgment of the district court is affirmed.

¹The Honorable Beth Deere, United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).