

United States Court of Appeals
For the Eighth Circuit

No. 17-1648

Tammy L. Banks

Plaintiff - Appellant

v.

Nancy A. Berryhill, Acting Commissioner of Social Security

Defendant - Appellee

Appeal from United States District Court
for the Northern District of Iowa - Dubuque

Submitted: February 12, 2018

Filed: March 5, 2018

[Unpublished]

Before COLLOTON, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Tammy L. Banks appeals from a District Court¹ order affirming the denial of disability insurance benefits and supplemental security income. We agree that the denial of benefits is supported by substantial evidence on the record as a whole. See Bryant v. Colvin, 861 F.3d 779, 782 (8th Cir. 2017) (standard of review). Specifically, we find no support in the record for Banks’s contentions that her back impairment met or equaled the criteria for Listings 1.04(A) and 1.04(C). Banks did not show that her impairments met all of the criteria for these listings. See McDade v. Astrue, 720 F.3d 994, 1001 (8th Cir. 2013) (“The claimant bears the burden of demonstrating that [her] impairment matches all the specified criteria of a listing.”); 20 C.F.R. pt. 404, subpt. P, app. 1 § 1.04(A), (C). Further, Banks did not show that her back impairment or combined impairments equaled these listings. See KKC v. Colvin, 818 F.3d 364, 370 (8th Cir. 2016) (“To prove that an impairment or combination of impairments equals a listing, a claimant ‘must present medical findings equal in severity to *all* the criteria for the one most similar listed impairment.’” (citation to quoted case omitted)). As to the failure of the administrative law judge (ALJ) to obtain documentation of a postoperative visit purportedly scheduled for the day after the administrative hearing, Banks has not established unfairness or prejudice. See Ellis v. Barnhart, 392 F.3d 988, 994 (8th Cir. 2005) (declining to remand for failure to develop the record where the alleged failure was not shown to be prejudicial); Haley v. Massanari, 258 F.3d 742, 749–50 (8th Cir. 2001) (“[A]n ALJ is permitted to issue a decision without obtaining additional medical evidence so long as other evidence in the record provides a sufficient basis for the ALJ’s decision.” (citations to quoted cases omitted)).

We affirm the judgment of the District Court.

¹The Honorable C.J. Williams, United States Magistrate Judge for the Northern District of Iowa, to whom the case was referred for final disposition by consent of the parties under 28 U.S.C. § 636(c).