

MAR 20 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DENNIS YACKELL,

Petitioner,

v.

U.S. RAILROAD RETIREMENT
BOARD,

Respondent.

No. 13-70440

RRB No. 11-AP-0035

MEMORANDUM*

On Petition for Review of a Decision of the
Railroad Retirement Board

Submitted March 10, 2015**

Before: FARRIS, WARDLAW, and PAEZ, Circuit Judges.

Dennis Yackell petitions pro se for review of the Railroad Retirement Board's decision affirming the hearings officer's determinations concerning Yackell's entitlement to disability benefits. We have jurisdiction under 45 U.S.C. § 231g. We deny the petition for review.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Substantial evidence and governing law support the Board's decision that Yackell was disabled for all substantial gainful activity as of February 1, 1998, but was not in insured status on that date and thus was not entitled to a period of disability under section 216(i) of the Social Security Act. *See Calderon v. U.S. R.R. Ret. Bd.*, 780 F.2d 812, 813 (9th Cir. 1986) (Board's findings reviewed for substantial evidence).

The Board's decision that Yackell's disability annuity began on March 1, 2007, one year prior to his application, is also supported. *See* 45 U.S.C. § 231d(a) (a disability annuity may begin the first day of the sixth month after the onset of the disability or the first day of the twelfth month prior to the date the application for benefits was filed, whichever is later).

We reject Yackell's contentions concerning the Board's handling of his earlier applications.

Yackell's opposed motion to supplement the administrative record, filed on January 13, 2014, is denied. *See* 45 U.S.C. § 355(f) ("No additional evidence shall be received by the court[.]")

Yackell's motion to expedite the appeal, filed on January 30, 2015, is granted.

PETITION FOR REVIEW DENIED.