

United States Court of Appeals
For the Eighth Circuit

No. 12-1711

Thomas M. Smalley

Plaintiff - Appellant

v.

Michael J. Astrue, Commissioner of the Social Security Administration

Defendant - Appellee

Appeal from United States District Court
for the Southern District of Iowa - Des Moines

Submitted: October 5, 2012

Filed: October 15, 2012

[Unpublished]

Before BYE, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Thomas M. Smalley appeals the district court's¹ order affirming the denial of disability insurance benefits and supplemental security income. Upon de novo review, see Perks v. Astrue, 687 F.3d 1086, 1091 (8th Cir. 2012), we agree with the district court that the administrative law judge's (ALJ's) decision is supported by substantial evidence on the record as a whole. Specifically, we find that the ALJ's adverse credibility determination is entitled to deference, see Finch v. Astrue, 547 F.3d 933, 935-36 (8th Cir. 2008) (credibility findings are for ALJ in first instance, and when ALJ explicitly discredits claimant and gives good reasons for doing so, her judgment is entitled to deference); that reversal is not warranted based on the ALJ's alleged failure to develop the record on residual functional capacity, cf. Ellis v. Barnhart, 392 F.3d 988, 994 (8th Cir. 2005) (reversing for failure to develop record is warranted when such failure is prejudicial or unfair); and that Smalley has offered no basis for remanding under sentence six of 42 U.S.C. § 405(g), see Krogmeier v. Barnhart, 294 F.3d 1019, 1024-25 (8th Cir. 2002) (discussing requirements). The district court is affirmed. See 8th Cir. R. 47B.

¹The Honorable James E. Gritzner, Chief Judge, United States District Court for the Southern District of Iowa.