

United States Court of Appeals
For the Eighth Circuit

No. 15-2126

Barry Boone

Plaintiff - Appellant

v.

Carolyn W. Colvin, Acting Commissioner, Social Security Administration

Defendant - Appellee

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

Submitted: February 3, 2016

Filed: February 8, 2016

[Unpublished]

Before WOLLMAN, ARNOLD, and SMITH, Circuit Judges.

PER CURIAM.

Barry Boone appeals the district court's¹ order affirming the Commissioner's denial of disability insurance benefits after a hearing before an administrative law judge (ALJ). For reversal, Boone argues that the ALJ's decision is not supported by substantial evidence on the record as a whole, and in particular, that (1) the ALJ's finding that Boone could perform his past relevant work (PRW) as an exterminator and quality-assurance worker is not supported by substantial evidence, and the error was not harmless; and (2) the ALJ erred in discounting the opinion of Boone's treating physician, Samuel Burchfield, M.D.

Following careful de novo review, we conclude that substantial evidence in the record as a whole supports the denial of Boone's application. See Halverson v. Astrue, 600 F.3d 922, 927-31 (8th Cir. 2010) (standard of review). We agree with Boone that substantial evidence does not support a finding that he could perform his PRW as an exterminator and quality-assurance worker, but Boone cannot show that the ALJ would have decided his case differently if the error had not occurred: the ALJ continued the sequential evaluation to find, based on the testimony of a vocational expert, that there were other jobs that a person with Boone's residual functional capacity and environmental restrictions could perform. See Byes v. Astrue, 687 F.3d 913, 917-18 (8th Cir. 2012). Further, we conclude that the ALJ properly discounted Dr. Burchfield's opinion based on its inconsistency with the physician's medical-examination findings and with other medical evidence in the record as a whole. See Perkins v. Astrue, 648 F.3d 892, 897-98 (8th Cir. 2011).

The judgment of the district court is affirmed. See 8th Cir. R. 47B.

¹The Honorable Jerome T. Kearney, 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).