

United States Court of Appeals  
For the Eighth Circuit

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No. 23-3220

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Michael McKinney

*Plaintiff - Appellant*

v.

Martin O'Malley,<sup>1</sup> Commissioner of the Social Security Administration

*Defendant - Appellee*

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Appeal from United States District Court  
for the District of Minnesota

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Submitted: March 20, 2024

Filed: March 28, 2024

[Unpublished]

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Before SHEPHERD, KELLY, and KOBES, Circuit Judges.

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PER CURIAM.

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<sup>1</sup>Martin O'Malley has been appointed to serve as Commissioner of Social Security, and is substituted as appellee pursuant to Federal Rule of Appellate Procedure 43(c).

Michael McKinney appeals the district court's<sup>2</sup> order affirming the denial of supplemental security income. We agree with the court that substantial evidence in the record as a whole supports the adverse decision. See Kraus v. Saul, 988 F.3d 1019, 1023-24 (8th Cir. 2021) (standard of review). The administrative law judge (ALJ) was not required to adopt the exact limitations set forth in the opinions she found partially persuasive, and her residual functional capacity (RFC) determination regarding McKinney's abilities to interact with others was supported. See Webster v. Kijakazi, 19 F.4th 715, 719 (5th Cir. 2021) (while ALJ did not adopt verbatim opinion which limited claimant to minimal interaction with others, ALJ incorporated limitation by limiting claimant to occasional public contact, and RFC assessment was supported by substantial evidence); Page v. Astrue, 484 F.3d 1040, 1043 (8th Cir. 2007) (RFC determination was supported by substantial evidence, including medical evidence, state agency consultants' opinions, and claimant's subjective statements). As the ALJ did not err in formulating the RFC assessment, she also did not err in relying on the vocational expert's (VE's) testimony based on that assessment. See Lacroix v. Barnhart, 465 F.3d 881, 889 (8th Cir. 2006) (ALJ's hypothetical question to VE need only include limitations that ALJ finds are substantially supported by record as whole).

The judgment is affirmed.

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<sup>2</sup>The Honorable Paul A. Magnuson, United States District Judge for the District of Minnesota.