

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

---

No. 99-3391

---

Monte M. Benoy,

Appellant,

v.

William A. Halter, Commissioner of  
Social Security,<sup>1</sup>

Appellee.

\*  
\*  
\*  
\* Appeal from the United States  
\* District Court for the  
\* District of Minnesota.  
\*  
\* [UNPUBLISHED]  
\*  
\*

---

Submitted: April 3, 2001  
Filed: April 6, 2001

---

Before BOWMAN, BEAM, and LOKEN, Circuit Judges.

---

PER CURIAM.

Monte Benoy appeals the district court's<sup>2</sup> order affirming the Commissioner's decision to deny disability insurance benefits. We review that decision to determine

---

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

<sup>2</sup>The Honorable James M. Rosenbaum, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Arthur J. Boylan, United States Magistrate Judge for the District of Minnesota.

whether it is supported by substantial evidence on the record as a whole--that is, whether there exists relevant evidence that a reasonable person might accept as adequate to support the conclusion. See Ingram v. Chater, 107 F.3d 598, 600 (8th Cir. 1997). Having carefully reviewed the record, including the new evidence Benoy submitted to the Appeals Council, see Cunningham v. Apfel, 222 F.3d 496, 500 (8th Cir. 2000), we affirm.

Benoy's assertions concerning his September 1999 injuries are not material to this appeal. See Bergmann v. Apfel, 207 F.3d 1065, 1069-70 (8th Cir. 2000) (material evidence is evidence relating to claimant's condition for time period for which benefits were denied). We conclude the administrative law judge's (ALJ's) credibility determination was supported by Benoy's repeated rejection of pain-clinic referrals and narcotic pain medication. See Roth v. Shalala, 45 F.3d 279, 282 (8th Cir. 1995) (failure to follow prescribed treatment without good reason is grounds for denying benefits); Haynes v. Shalala, 26 F.3d 812, 814 (8th Cir. 1994) (lack of strong pain medication is inconsistent with disabling pain). We also find no basis for disturbing the ALJ's residual functional capacity assessment, as it accorded with the medical expert's testimony and Benoy's reported activities. See Piepgras v. Chater, 76 F.3d 233, 236 (8th Cir. 1996). Finally, we believe the ALJ properly considered the limitations imposed by Benoy's depression.

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.