

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3021

Peggy A. Jones,

Appellant,

v.

JoAnne B. Barnhart,¹ Social
Security Administration Commissioner,

Appellee.

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* Appeal from the United States
* District Court for the Western
* District of Arkansas.
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* [UNPUBLISHED]
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Submitted: February 4, 2002
Filed: February 7, 2002

Before LOKEN, BEAM, and RILEY, Circuit Judges.

PER CURIAM.

Peggy A. Jones appeals the district court's² decision upholding the Commissioner's denial of her application for disability insurance benefits. We

¹JoAnne B. Barnhart has been appointed to serve as Commissioner of Social Security, and is substituted as appellee pursuant to Federal Rule of Appellate Procedure 43(c)(2).

²The Honorable H. Franklin Waters, United States District Judge for the Western District of Arkansas, adopting the report and recommendations of the Honorable Beverly Stites Jones, United States Magistrate Judge for the Western District of Arkansas.

review the Commissioner's decision to determine whether it is supported by substantial evidence on the record as a whole. See Pyland v. Apfel, 149 F.3d 873, 876 (8th Cir. 1998).

Having carefully reviewed the record, we find no basis for disturbing the Administrative Law Judge's (ALJ) determination that Jones's impairment was not severe prior to her date last insured. See Gwathney v. Chater, 104 F.3d 1043, 1045 (8th Cir. 1997) (ALJ may discount subjective complaints inconsistent with medical reports and daily activities to determine claimant can perform basic work activities). Jones waived her argument that the record should have been supplemented with additional medical tests by failing to properly raise it in the district court. See Yeazel v. Apfel, 148 F.3d 910, 912 (8th Cir. 1998). In any event, the argument is meritless. See Pyland, 149 F.3d at 877-78 (evidence must support disability within relevant time period).

Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

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