

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-3133

Sherry Smith,

Appellant,

v.

Michael J. Astrue, Commissioner of
Social Security,

Appellee.

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Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: November 17, 2009

Filed: November 18, 2009

Before BYE, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Sherry Smith appeals the district court's¹ order affirming the denial of disability insurance benefits and supplemental security income. Smith alleged disability since March 2002 from a foot injury, asthma, migraines, depression, ankle tendonitis, knee problems, and seizures. At a subsequent hearing, she requested intelligence testing, and following the testing, she contended that she met the requirements for Listing

¹The Honorable James C. England, United States Magistrate Judge for the Western District of Missouri, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

12.05C (mental retardation). The administrative law judge (ALJ) disagreed, determining that (1) Smith's asthma, seizure disorder, and borderline intelligence were severe impairments; (2) her impairments, alone or combined, did not meet or equal the requirements of any listing, including Listing 12.05C; (3) her subjective complaints were not entirely credible; and (4) while her residual functional capacity precluded her past relevant work, she could perform other jobs that a vocational expert identified in response to a hypothetical posed by the ALJ. The Appeals Council denied review, and the district court affirmed. Having carefully reviewed the record and considered Smith's arguments for reversal, we conclude that the ALJ's opinion is supported by substantial evidence on the record as a whole. See Van Vickle v. Astrue, 539 F.3d 825, 828 & n.2 (8th Cir. 2008) (standard of review).

Specifically, to the extent Smith's challenge to the ALJ's credibility findings is properly before us, these findings are entitled to deference because they are supported by multiple valid reasons, which in turn are supported by the record. See Juszczuk v. Astrue, 542 F.3d 626, 632 (8th Cir. 2008). We also agree with the ALJ that Smith did not meet all of the requirements for Listing 12.05C. See Maresh v. Barnhart, 438 F.3d 897, 898-99 (8th Cir. 2006) (Listing 12.05C requirements); see also Johnson v. Barnhart, 390 F.3d 1067, 1070 (8th Cir. 2004) (claimant has burden of proving her impairment meets all specified listing criteria). Accordingly, we affirm.
