

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-1758

DAVID TABB, Administrator of the Estate of John Leonard Fadeley,

Plaintiff - Appellant,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at Clarksburg. Thomas S. Kleeh, Chief District Judge. (1:17-cv-00129-TSK-JPM)

Submitted: February 23, 2022

Decided: March 29, 2022

Before HARRIS and RICHARDSON, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

David Tabb, Appellant Pro Se. Christopher James Prezioso, OFFICE OF THE UNITED STATES ATTORNEY, Wheeling, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Tabb, administrator of the estate of John Leonard Fadeley, appeals the district court's order accepting the recommendation of the magistrate judge and upholding the Administrative Law Judge's (ALJ) denial of Fadeley's application for disability insurance benefits. "In social security proceedings, a court of appeals applies the same standard of review as does the district court. That is, a reviewing court must uphold the determination when an ALJ has applied correct legal standards and the ALJ's factual findings are supported by substantial evidence." *Brown v. Comm'r Soc. Sec. Admin.*, 873 F.3d 251, 267 (4th Cir. 2017) (citation and internal quotation marks omitted). "Substantial evidence is that which a reasonable mind might accept as adequate to support a conclusion. It consists of more than a mere scintilla of evidence but may be less than a preponderance." *Pearson v. Colvin*, 810 F.3d 204, 207 (4th Cir. 2015) (citation and internal quotation marks omitted).

Limiting our review of the record to the appealable issues raised in Tabb's informal brief, we perceive no reversible error. *See* 4th Cir. R. 34(b); *see also Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."). Despite Tabb's arguments to the contrary, the ALJ correctly calculated Fadeley's date last insured as June 30, 2013. *See* 42 U.S.C. § 423(c)(1). The Appeals Council also properly declined consideration of Fadeley's new medical evidence on the ground that it did not show a reasonable probability that it would change the outcome of the ALJ's decision. *See* 20 C.F.R. § 404.970(a)(5). And the district court did not err in failing to address

Fadeley's alleged Supplemental Security Income (SSI) request, as there was no SSI application in the administrative record.

We therefore affirm the district court's judgment upholding the denial of benefits. *Fadeley v. Comm'r of Soc. Sec.*, No. 1:17-cv-00129-TSK-JPM (N.D.W. Va. Mar. 31, 2020). We deny Tabb's motions for a status hearing or summary judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED