

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Webster v. Kijakazi

No. No. 20-60856, United States Court of Appeals for the Fifth Circuit (November 29, 2021)

SUMMARY

The Fifth Circuit affirmed the denial of Social Security disability benefits, holding that the ALJ's residual functional capacity (RFC) determination was supported by substantial evidence and that the ALJ properly weighed medical opinions under 20 C.F.R. § 404.1520c. The court also held that a consultative examination was not required because the record was sufficiently developed. Arguments regarding Listing 12.15 (Trauma and Stressor-Related Disorders) and the claimant's ability to maintain employment were waived for failure to raise them before the district court.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Leslie H. Southwick; Jennifer Walker Elrod; Gregg Costa
JURISDICTION	Federal
DECIDED	November 29, 2021
DOCKET	No. 20-60856
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the district court's affirmance of the Commissioner's denial of disability benefits.
STANDARD OF REVIEW	This court reviews a Commissioner's denial of social security disability benefits only to ascertain whether (1) the final decision is supported by substantial evidence and (2) whether the Commissioner used the proper legal standards to evaluate the evidence.
PRECEDENTIAL VALUE	Published
PARTIES	Arthur Webster v. Kilolo Kijakazi, Acting Commissioner of Social Security

TOPICS

administrative law judicial review of agency action standard of review waiver appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the ALJ's Residual Functional Capacity (RFC) was supported by substantial evidence.
2. Whether the ALJ erred by failing to order a consultative examination.
3. Whether the ALJ erred in analyzing Listing 12.15 for Trauma and Stressor-related disorders and in failing to consider whether Webster could maintain employment (arguments raised for the first time on appeal).

HOLDINGS

1. The RFC was supported by substantial evidence.
2. The ALJ did not err in declining to order a consultative examination.
3. These arguments were waived because they were not raised before the district court.

KEY QUOTATIONS

"This court reviews a Commissioner's denial of social security disability benefits 'only to ascertain whether (1) the final decision is supported by substantial evidence and (2) whether the Commissioner used the proper legal standards to evaluate the evidence.'" (at 2)

"A consultative examination is required to develop a 'full and fair record' only if 'the record establishes that such an examination is necessary to enable the [ALJ] to make the disability decision.'" (at 6)

"Our court adheres to the general rule that 'arguments not raised before the district court are waived and cannot be raised for the first time on appeal.'" (at 7)

FACTUAL BACKGROUND

Arthur Webster is a former truck driver, combat rifle crew member, mechanic, and production assembler with a high school education and some college. He served in Iraq, witnessed traumatic events, and suffers from PTSD for which he completed a residential treatment program in 2016. He also complains of physical impairments including knee, foot, and back pain. He applied for disability benefits at age 43, alleging onset in March 2016. The ALJ found that Webster had severe impairments but none met or equaled a listing, and that he had the residual functional capacity to perform light work with limitations, including past relevant work as an assembler or other jobs identified by a vocational expert.

PROCEDURAL HISTORY

Webster applied for Social Security disability benefits in March 2019. The application was denied initially and upon reconsideration. After a hearing, an Administrative Law Judge (ALJ) denied benefits, finding that Webster's impairments did not meet listing severity and that he could perform past relevant work or other jobs. Webster appealed to the district court, which affirmed the ALJ's decision. Webster then appealed to the Fifth Circuit.

DISPOSITION

affirmed

CASES CITED

- Keel v. Saul, 986 F.3d 551 (5th Cir. 2021)
- Taylor v. Astrue, 706 F.3d 600 (5th Cir. 2012)
- Ripley v. Chater, 67 F.3d 552 (5th Cir. 1995)
- Kneeland v. Berryhill, 850 F.3d 749 (5th Cir. 2017)
- Bowling v. Shalala, 36 F.3d 431 (5th Cir. 1994)
- Hardman v. Colvin, 820 F.3d 142 (5th Cir. 2016)
- Jones v. Bowen, 829 F.2d 524 (5th Cir. 1987)
- LeMaire v. Louisiana Dep't of Transp. & Dev., 480 F.3d 383 (5th Cir. 2007)
- Horton v. Bank One, N.A., 387 F.3d 426 (5th Cir. 2004)

CITED IN

- Webster v. Kijakazi, Webster v. Kijakazi, 19 F.4th 715, 718 (5th Cir. 2021)
- Webster v. Kijakazi, Webster v. Kijakazi, 19 F.4th 715, 718 (5th Cir. 2021)