U.S. Department of Labor

Benefits Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001

BRB No. 23-0253 BLA

PERRY G. GILBERT, JR.	)	
	)	
Claimant-Petitioner	)	
	)	
v.	)	
	)	
ISLAND CREEK COAL COMPANY	)	
	)	
and	)	
	)	
SMARTCASUALTYCLAIMS	)	DATE ISSUED: 06/28/2024
	)	
Employer/Carrier-Respondents	)	
	)	
DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR	)	
	)	
Party-in-Interest	)	DECISION and ORDER

Appeal of the Decision and Order Denying Benefits of Jonathan C. Calianos, Administrative Law Judge, United States Department of Labor.

Perry G. Gilbert, Jr., Cedar Bluff, Virginia.

Jason A. Mullins (Penn, Stuart & Eskridge), Bristol, Virginia, for Employer.

Before: GRESH, Chief Administrative Appeals Judge, BUZZARD and JONES, Administrative Appeals Judges.

PER CURIAM:

Claimant, without representation,[1] appeals Administrative Law Judge (ALJ) Jonathan C. Calianos's Decision and Order Denying Benefits (2022-BLA-05078) rendered on a claim filed on March 12, 2013, pursuant to the Black Lung Benefits Act, as amended, 30 U.S.C. §§901-944 (2018) (Act).[2]

The ALJ found Claimant had at least fifteen years of qualifying coal mine employment but did not establish a totally disabling respiratory or pulmonary impairment and therefore could not invoke the presumption of total disability due to pneumoconiosis at Section 411(c)(4) of the Act.[3] 30 U.S.C. §921(c)(4) (2018); 20 C.F.R. §§718.204(b), 718.305. Because Claimant failed to establish total disability, an essential element of entitlement, the ALJ denied benefits.[4]

On appeal, Claimant generally challenges the denial of benefits. Employer responds in support of the denial.[5] The Director, Office of Workers' Compensation Programs, has not filed a response brief.

[1] On Claimant's behalf, Vickie Combs, a benefits counselor with Stone Mountain Health Services of Vansant, Virginia, requested the Benefits Review Board review the ALJ's decision, but Ms. Combs is not representing Claimant on appeal. *See Shelton v. Claude V. Keen Trucking Co.*, 19 BLR 1-88 (1995) (Order).

[2] In an initial Decision and Order Remanding to OWCP [Office of Workers' Compensation Programs] for Complete Pulmonary Examination, the ALJ found the pulmonary function study from Claimant's April 1, 2015 Department of Labor (DOL)-sponsored pulmonary examination is invalid. Director's Exhibit 95 at 12-18. He thus remanded the case to the district director to provide additional pulmonary function testing in compliance with 20 C.F.R. §§718.101(a), 725.406(c). *Id.* at 23-24.

[3] Section 411(c)(4) of the Act provides a rebuttable presumption that a miner is totally disabled due to pneumoconiosis if he has at least fifteen years of underground or substantially similar surface coal mine employment and a totally disabling respiratory or pulmonary impairment. 30 U.S.C. §921(c)(4) (2018); *see* 20 C.F.R. §718.305.

[4] The ALJ correctly found the irrebuttable presumption of total disability due to pneumoconiosis under Section 411(c)(3) of the Act is not applicable because there is no evidence of complicated pneumoconiosis in the record. 30 U.S.C. §921(c)(3); 20 C.F.R. §718.304; Decision and Order at 5 n.3.

[5] We affirm, as unchallenged on appeal, the ALJ's finding that Claimant established at least fifteen years of qualifying coal mine employment. *See Skrack v. Island Creek Coal*

In an appeal a claimant files without representation, the Board considers whether the Decision and Order below is supported by substantial evidence. *Hodges v. BethEnergy Mines, Inc.*, 18 BLR 1-84, 1-86 (1994). We must affirm the ALJ's findings of fact and conclusions of law if they are rational, supported by substantial evidence, and in accordance with applicable law.[6] 33 U.S.C. §921(b)(3), as incorporated by 30 U.S.C. §932(a); *O'Keeffe v. Smith, Hinchman & Grylls Assocs., Inc.*, 380 U.S. 359, 361-62 (1965).

Invocation of the Section 411(c)(4) Presumption – Total Disability

To invoke the Section 411(c)(4) presumption, Claimant must establish he has a totally disabling respiratory or pulmonary impairment. 20 C.F.R. §718.305(b)(1)(i). A miner is totally disabled if his pulmonary or respiratory impairment, standing alone, prevents him from performing his usual coal mine work and comparable gainful work. *See* 20 C.F.R. §718.204(b)(1). A claimant may establish total disability based on qualifying pulmonary function studies or arterial blood gas studies,[7] evidence of pneumoconiosis and cor pulmonale with right-sided congestive heart failure, or medical opinions. 20 C.F.R. §718.204(b)(2)(i)–(iv). The ALJ must weigh all relevant supporting evidence against all relevant contrary evidence. *See Defore v. Ala. By-Products Corp.*, 12 BLR 1-27, 1-28-29 (1988); *Rafferty v. Jones & Laughlin Steel Corp.*, 9 BLR 1-231, 1-232 (1987); *Shedlock v. Bethlehem Mines Corp.*, 9 BLR 1-195, 1-198 (1986), *aff'd on recon.*, 9 BLR 1-236 (1987) (en banc). The ALJ found Claimant failed to establish total disability by any method.[8] 20 C.F.R. §718.204(b)(2); Decision and Order at 6-21.

Co., 6 BLR 1-710, 1-711 (1983); Decision and Order at 5; Initial Decision and Order at 2-5.

[6] This case arises within the jurisdiction of the United States Court of Appeals for the Fourth Circuit because Claimant performed his coal mine employment in Virginia. *See Shupe v. Director, OWCP*, 12 BLR 1-200, 1-202 (1989) (en banc); Oct. 4, 2022 Hearing Tr. at 17-18.

[7] A "qualifying" pulmonary function study or blood gas study yields results equal to or less than the applicable table values contained in Appendices B and C of 20 C.F.R. Part 718, respectively. A "non-qualifying" study yields results exceeding those values. *See* 20 C.F.R. §718.204(b)(2)(i), (ii).

[8] The ALJ accurately found there is no evidence of cor pulmonale with right-sided congestive heart failure. 20 C.F.R. §718.204(b)(2)(iii); Decision and Order at 17.

Pulmonary Function Studies

The ALJ considered eleven pulmonary function studies dated March 31, 2011, June 13, 2011, February 15, 2012, February 13, 2013, March 6, 2014, February 18, 2015, February 11, 2016, July 14, 2016, September 6, 2019, May 11, 2021,[9] and May 13, 2022.[10] Decision and Order at 7-16; Initial Decision and Order at 7-18. All these studies produced non-qualifying values except the February 13, 2013 and September 6, 2019 studies, which produced qualifying pre-bronchodilator results and did not include post-bronchodilator testing.[11] Director's Exhibits 21 at 10; 78 at 148, 236, 240, 243, 249; 87 at 9; 88 at 106, 110; 99 at 27; Claimant's Exhibit 2.

The ALJ found the non-qualifying June 13, 2011, February 11, 2016, May 11, 2021, and May 13, 2022 studies are valid,[12] the non-qualifying March 31, 2011, February 15,

[9] The ALJ listed the initial DOL-sponsored pulmonary function study, dated April 1, 2015, when evaluating the evidence; however, as discussed above, because he found that study was invalid and remanded the case for additional pulmonary function testing, it was replaced by the new May 11, 2021 DOL-sponsored study. Decision and Order at 7, 14-15; *see* Initial Decision and Order at 16, 24; Director's Exhibit 99 at 27.

[10] The ALJ accepted the parties' stipulation that Claimant's average height is 68.8 inches. Because 68.8 inches is not listed in Appendix B, the ALJ properly used the closest greater table height of 68.9 inches at Appendix B of 20 C.F.R. Part 718 in determining whether each study is qualifying. *See Carpenter v. GMS Mine & Repair Maint. Inc.*, BLR , BRB No. 22-0100 BLA, slip op. at 4-5 (Sept. 6, 2023); Decision and Order at 7 n.5; Initial Decision and Order at 7 n.5.

[11] The March 31, 2011, February 15, 2012, February 11, 2016, May 11, 2021, and May 13, 2022 studies did not include post-bronchodilator testing. Director's Exhibits 59 at 101; 78 at 249; 88 at 106; 99 at 27; Claimant's Exhibit 2. The June 13, 2011, March 6, 2014, February 18, 2015, and July 14, 2016 studies produced non-qualifying results before and after bronchodilator administration. Director's Exhibit 78 at 148, 236, 240, 243.

[12] We discern no error in the ALJ's finding that the June 13, 2011, February 11, 2016, May 11, 2021, and May 13, 2022 studies are valid. Decision and Order at 9-14; Initial Decision and Order at 12 n.9, 22 n.24. No physician opined the June 13, 2011 and February 11, 2016 pulmonary function studies are invalid. Dr. Sargent opined the May 11, 2021 study evidenced poor effort because the flow volume loops are "very flat" and it "[l]ooks like [Claimant] exhales for about [four] seconds" rather than six or seven seconds, but the May 13, 2022 study had good flow volume loops that "seem to meet minimum reproducibility criteria" despite Claimant only exhaling for three seconds. Employer's Exhibits 3; 6 at 6-7. The ALJ permissibly discredited Dr. Sargent's opinions because they

2012, March 6, 2014, February 18, 2015, and July 14, 2016 studies are invalid,[13] and the qualifying February 13, 2013 and September 6, 2019 studies are also invalid. Decision and Order at 8-16; Initial Decision and Order at 12-18. Because the only valid studies are non-qualifying, he determined the pulmonary function study evidence does not support a finding of total disability. 20 C.F.R. §718.204(b)(2)(i); Decision and Order at 9-16. We cannot affirm the ALJ's findings.

First, the record contains three qualifying pulmonary function studies dated January 27, 2014, July 21, 2017, and July 23, 2018, that the ALJ did not consider.[14] Director's Exhibits 21 at 14; 59 at 84; 67 at 23. The ALJ declined to consider the January 27, 2014 and July 21, 2017 studies because no party designated them pursuant to the evidentiary limitations.[15] Decision and Order at 18 n.17. As both studies, however, are part of

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do not adequately explain "why 'good' flow volume loops indicate a test is facially valid even with an exhalation of only three seconds while 'very flat' flow volume loops with an exhalation of four seconds indicate a test is invalid." Decision and Order at 12; *see Milburn Colliery Co. v. Hicks*, 138 F.3d 524, 528 (4th Cir. 1998). Dr. Fino opined the May 11, 2021 study demonstrated acceptable effort, but the May 13, 2022 study is invalid because Claimant gave a "very sub-maximal effort" and a premature termination to exhalation. Employer's Exhibit 5 at 6, 8-9. The ALJ permissibly rejected Dr. Fino's opinion because he "did not elaborate on why he felt the one test demonstrated 'acceptable' effort and the other did not." Decision and Order at 13; *see Hicks*, 138 F.3d at 528.

[13] We affirm, as unchallenged on appeal, the ALJ's finding that the non-qualifying March 31, 2011, February 15, 2012, March 6, 2014, February 18, 2015, and July 14, 2016 studies are invalid. *See Skrack*, 6 BLR at 1-711; Decision and Order at 15; Initial Decision and Order at 12 n.9, 16.

[14] The ALJ noted there is another qualifying study in the record dated March 25, 2014. Initial Decision and Order at 22 n.24. Employer obtained this study for litigation purposes. Director's Exhibit 23 at 46. Because the study is subject to the evidentiary limitations and no party designated it on their evidence summary form, the ALJ permissibly declined to consider it. Initial Decision and Order at 22 n.24; *see* 20 C.F.R. §725.414(a).

[15] The ALJ stated he did not consider the January 27, 2014 study because it was "excluded in the designated evidence by [Claimant's] representative, and it is not listed as part of any treatment records" on Claimant's evidence summary form. Decision and Order at 18 n.17, *citing* Director's Exhibit 87 at 118. Although Claimant stated the September 6, 2019 study was "intended to replace" the January 27, 2014 study on his evidence form, he did not request that the January 27, 2014 study be excluded from the record altogether. Director's Exhibit 87 at 118. Further, the ALJ stated "[Dr.] Ajjarapu apparently performed an additional [pulmonary function study] on July 21, 2017 [but it] is not listed as any

Claimant's treatment records which were admitted into evidence in this claim, the ALJ erred in requiring the studies to be specifically designated on the parties' evidence summary forms. Studies included in treatment records are not subject to the numerical limitations on affirmative and rebuttal evidence, 20 C.F.R. §725.414(a)(4), and the ALJ is required to consider all relevant evidence. *See Director, OWCP v. Rowe*, 710 F.2d 251, 255-56 (6th Cir. 1983); *McCune v. Central Appalachian Coal Co.*, 6 BLR 1-996, 1-998 (1984) (fact finder's failure to discuss relevant evidence requires remand). Moreover, the ALJ made no mention of the July 23, 2018 study. *Id.*

Because the ALJ has not considered all relevant evidence, we vacate his finding the pulmonary function study evidence does not support total disability. *See McCune*, 6 BLR at 1-998; Decision and Order at 16.

Next, the ALJ evaluated the validity of the February 13, 2013 and September 6, 2019 qualifying pulmonary function studies. When weighing the pulmonary function studies, an ALJ must determine whether they are in substantial compliance with the regulatory quality standards. 20 C.F.R. §§718.101(b), 718.103(c); 20 C.F.R. Part 718, Appendix B; *see Keener v. Peerless Eagle Coal Co.*, 23 BLR 1-229, 1-237 (2007) (en banc). In the absence of evidence to the contrary, compliance with the quality standards is presumed. 20 C.F.R. §718.103(c); *see Vivian v. Director, OWCP*, 7 BLR 1-360, 1-361 (1984) (party challenging the validity of a study has the burden to establish the results are unreliable); 20 C.F.R. Part 718, Appendix B. If a study does not precisely conform to the quality standards, but is in substantial compliance, it "constitute[s] evidence of the fact for which it is proffered."[16] 20 C.F.R. §718.101(b).

February 13, 2013 Study

The technician that conducted the February 13, 2013 study noted Claimant had good cooperation and effort. Director's Exhibits 21 at 10; 25 at 13. Dr. Owens opined the study shows a moderately severe restriction. Director's Exhibit 21 at 20. Dr. Sargent opined the

party's designated evidence or part of any treatment records." Decision and Order at 18 n.17.

[16] The quality standards, however, do not apply to pulmonary function studies conducted as part of a miner's treatment and not in anticipation of litigation. 20 C.F.R. §§718.101, 718.103; *see J.V.S.* [*Stowers*] *v. Arch of West Virginia/Apogee Coal Co.*, 24 BLR 1-78, 1-92 (2008) (quality standards "apply only to evidence developed in connection with a claim for benefits" and not to testing included as part of a miner's treatment). An ALJ must still determine, however, if treatment record pulmonary function studies are sufficiently reliable to support a finding of total disability, despite the inapplicability of the specific quality standards. 65 Fed. Reg. 79,920, 79,928 (Dec. 20, 2000).

flow volume loop "looks reproducible" and the trials "appear to meet reproducibility criteria." Director's Exhibit 88 at 134-35, 206. Dr. Fino opined it is "invalid due to a premature termination to exhalation, a lack of an abrupt onset to exhalation, and a lack of reproducibility in the expiratory tracings," and that he had issues with Claimant's effort. *Id.* at 16, 174.

The ALJ weighed the technician's "cursory notation" of good cooperation and effort against "the detailed analysis of [B]oard-certified pulmonary specialist [Dr.] Fino" and concluded Dr. Fino's opinion is entitled to greater weight. Initial Decision and Order at 13. He further found Dr. Sargent's opinion is equivocal, and thus Dr. Fino's opinion establishes the study is invalid. *Id.*

Because the ALJ has not explained his basis for finding Dr. Sargent's opinion that the study meets reproducibility criteria is equivocal and thus not credible, his finding does not satisfy the explanatory requirements of the Administrative Procedure Act (APA),[17] 5 U.S.C. §557(c)(3)(A), as incorporated into the Act by 30 U.S.C. §932(a), and thus we cannot affirm it. *See Sea "B" Mining Co. v. Addison*, 831 F.3d 244, 256-57 (4th Cir. 2016); *Wojtowicz v. Duquesne Light Co.*, 12 BLR 1-162, 1-165 (1989); Initial Decision and Order at 13; *see also Perry v. Mynu Coals, Inc.*, 469 F.3d 360, 366 (4th Cir. 2006) ("refusal to express a diagnosis in categorical terms is candor, not equivocation"). Moreover, the ALJ failed to consider that Dr. Owens believed the study to be sufficiently reliable to form the basis of her opinion that Claimant has moderate restriction. *See McCune*, 6 BLR at 1-998. Thus we vacate the ALJ's finding the February 13, 2013 study is invalid.[18]

September 6, 2019 Study

With respect to the September 6, 2019 study, the technician noted Claimant gave good effort and cooperation, and Dr. Forehand wrote on the report that it is an "acceptable

[17] The APA requires that every adjudicatory decision include "findings and conclusions, and the reasons or basis therefor, on all the material issues of fact, law, or discretion presented on the record . . . ." 5 U.S.C. §557(c)(3)(A), as incorporated into the Act by 30 U.S.C. §932(a); *see Wojtowicz v. Duquesne Light Co.*, 12 BLR 1-162, 1-165 (1989).

[18] We note the ALJ did not consider the February 13, 2013 pulmonary function study in his second Decision and Order because, although it is contained in a treatment record, it was not designated as affirmative evidence. Decision and Order at 9 n.7; Director's Exhibit 21 at 10. As discussed above, the ALJ is tasked with considering all relevant evidence that is in compliance with the evidentiary limitations, and thus erred in not including this study in his analysis. *See McCune v. Central Appalachian Coal Co.*, 6 BLR 1-996, 1-998 (1984); 20 C.F.R. §725.414(a)(4).

spirogram." Director's Exhibit 87 at 9. Dr. Sargent testified at his deposition that the study does not meet reproducibility criteria because there are "three determinations, but [they are] not within [five] percent of one another, so you [cannot] call them valid." Director's Exhibit 88 at 207. Dr. Fino testified at his deposition that "[a]t first glance, it looks like not a bad study," but Claimant stopped exhaling at three seconds, which is "way too early," and he did not inhale enough. *Id.* at 171-72. He further testified that Claimant's FEV1 was two liters lower in 2016 so "when looking at everything together," it is not an "acceptable study." *Id.* at 172.

The ALJ summarized the evidence relevant to the study's validity and, weighing it together, permissibly concluded "the detailed rationale offered by [B]oard-certified pulmonary specialist [Dr.] Fino [is] more persuasive than [Dr.] Forehand's conclusory notation of 'acceptable spirometry.'"[19] Initial Decision and Order at 18; *see Milburn Colliery Co. v. Hicks*, 138 F.3d 524, 528 (4th Cir. 1998); *Sterling Smokeless Coal Co. v. Akers*, 131 F.3d 438, 441 (4th Cir. 1997). Moreover, he found that, even if he disregarded Dr. Sargent's opinion, he would find the specific rationale offered by Dr. Fino alone sufficient to outweigh Dr. Forehand's "bald assessment." Initial Decision and Order at 18 n.19. Thus, as it is supported by substantial evidence, we affirm the ALJ's finding the September 6, 2019 study is invalid. Decision and Order at 16; Initial Decision and Order at 17-18.

Arterial Blood Gas Studies

The ALJ considered the results of three arterial blood gas studies dated April 1, 2015, July 14, 2016, and May 11, 2021, and accurately found none of the studies produced qualifying values. Decision and Order at 16-17; Director's Exhibits 17 at 10; 23 at 25; 99 at 17. Thus we affirm his finding the blood gas study evidence does not support a finding of total disability. 20 C.F.R. §718.204(b)(2)(ii); Decision and Order at 17.

Medical Opinions

Before weighing the medical opinions, the ALJ determined the exertional requirements of Claimant's usual coal mine employment. Decision and Order at 18; Initial Decision and Order at 20. A miner's usual coal mine employment is the most recent job they performed regularly and over a substantial period of time. *See Pifer v. Florence Mining Co.*, 8 BLR 1-153, 1-155 (1985); *Shortridge v. Beatrice Pocahontas Coal Co.*, 4 BLR 1-534, 1-539 (1982). The ALJ correctly observed that Claimant testified his last coal

[19] The ALJ noted that Dr. Forehand is Board-certified in pediatrics, as well as in allergy and immunology, but only Board-eligible in pediatric pulmonary medicine. Claimant's Exhibit 7; Initial Decision and Order at 8.

mine job as an "electrician [and] mechanic" involved "very heavy labor," requiring him to "carry[] significant weight upwards of 100 pounds and on occasion up to 150 pounds, in addition to climbing inclines and stairs in a multi-storied tipple." Initial Decision and Order at 20; Decision and Order at 18; *see* Oct. 4, 2022 Hearing Tr. at 30-35. We affirm the ALJ's permissible finding that Claimant's uncontradicted testimony establishes his usual coal mine work as an electrician and mechanic required very heavy labor. *See Hicks*, 138 F.3d at 528; Decision and Order at 18; Initial Decision and Order at 20.

The ALJ then considered the opinions of Drs. Ajjarapu, Owens, Harris, Sargent, and Fino. Decision and Order at 18-21; Initial Decision and Order at 21-23. Dr. Ajjarapu opined Claimant is totally disabled based on the pulmonary function studies. Director's Exhibits 17 at 8; 22 at 39, 45-54; 24 at 3. Dr. Owens opined Claimant has chronic dyspnea and the February 13, 2013 and January 27, 2014 pulmonary function studies show a moderately severe restriction. Director's Exhibit 59 at 70. Dr. Harris opined Claimant has a "significant impairment due to his pulmonary disease, as evidenced by his symptoms of dyspnea on exertion and his pulmonary function testing showing restriction," but he does not "meet federal standards to be considered totally disabled." Director's Exhibit 99 at 15. Dr. Sargent acknowledged Claimant has mild hypoxemia and a moderate restrictive impairment. Director's Exhibit 78 at 142; Employer's Exhibit 2 at 1. However, both Drs. Sargent and Fino opined he is not totally disabled because the objective testing is not qualifying. Director's Exhibits 78 at 143; 88 at 20, 118, 159, 192; Employer's Exhibits 2; 3; 4 at 2; 5; 6 at 5.

The ALJ discredited Drs. Ajjarapu's and Owens's opinions because they relied on invalid pulmonary function studies. Decision and Order at 18; Initial Decision and Order at 21-23. He summarized the opinions of Drs. Sargent, Fino, and Harris but did not render credibility findings because he found they "do not assist [Claimant] in establishing total disability." Initial Decision and Order at 21 n.23; Decision and Order at 19-21. Thus the ALJ found the medical opinion evidence does not support a finding of total disability. Decision and Order at 20-21.

Because the ALJ's weighing of the pulmonary function studies at 20 C.F.R. §718.204(b)(2)(i) may affect his weighing of the medical opinion evidence, we vacate his finding the medical opinion evidence does not support a finding of total disability at 20 C.F.R. §718.204(b)(2)(iv).

Further, contrary to the ALJ's finding, Dr. Ajjarapu based her opinion, in part, on the valid June 13, 2011 and February 11, 2016 pulmonary function studies. Director's Exhibits 22 at 45-48 (relying on March 6, 2014 and February 18, 2015 studies); 24 at 23 (relying on additional studies from June 13, 2011, February 13, 2013, January 27, 2014, March 6, 2014, March 25, 2014, February 18, 2015, February 11, 2016, and July 14, 2016 studies); 78 at 139 (listing studies submitted to Dr. Ajjarapu for her supplemental opinion).

Therefore, the ALJ's finding that Dr. Ajjarapu's opinion relies only on invalid studies is not supported by substantial evidence. *See Scott v. Mason Coal Co.*, 289 F.3d 263, 268 (4th Cir. 2002); Initial Decision and Order at 21-22.

We thus vacate the ALJ's finding the medical opinion evidence is insufficient to support a finding of total disability, 20 C.F.R. §718.204(b)(2)(iv), and that Claimant failed to establish total disability. 20 C.F.R. §718.204(b)(2); Decision and Order at 21. Consequently, we also vacate his finding that Claimant is unable to invoke the Section 411(c)(4) presumption and the denial of benefits. 20 C.F.R. §718.305; Decision and Order at 21.

Remand Instructions

On remand, the ALJ must reconsider whether Claimant established total disability. In weighing the pulmonary function study evidence at 20 C.F.R. §718.204(b)(2)(i), the ALJ must first address the evidence regarding the validity or reliability of the pulmonary function studies, except the studies whose validity or invalidity we have affirmed herein. He should then determine, with sufficient explanation, whether the pulmonary function studies support total disability. In doing so, he must properly undertake a quantitative and qualitative analysis of the conflicting results in rendering his findings. *See Addison*, 831 F.3d at 252-53; *Adkins v. Director, OWCP*, 958 F.2d 49, 552 (4th Cir. 1992); *see also Mullins Coal Co., Inc. of Va. v. Director, OWCP*, 484 U.S. 135, 149 n.23 (1987) (ALJ must "weigh the quality, and not just the quantity, of the evidence").

The ALJ must also reconsider whether the medical opinion evidence establishes total disability. 20 C.F.R. §718.204(b)(2)(iv). He must take into account the exertional requirements of Claimant's usual coal mine employment when weighing the opinions. *See Lane v. Union Carbide Corp.*, 105 F.3d 166, 172 (4th Cir. 1997); *McMath v. Director, OWCP*, 12 BLR 1-6, 1-9 (1988) (ALJ must identify the miner's usual coal mine work and then compare evidence of the exertional requirements of the miner's usual coal mine employment with the medical opinions as to the miner's work capabilities); *Budash v. Bethlehem Mines Corp.*, 9 BLR 1-48, 1-51-52 (1986) (en banc) (description of physical limitations in performing routine tasks may be sufficient to allow the ALJ to infer total disability). He must determine whether the opinions of Drs. Ajjarapu, Owens, Harris, Sargent, and Fino are reasoned and documented, explaining the weight he accords each opinion based on his consideration of the physicians' comparative credentials, the explanations for their medical findings, the documentation underlying their medical judgments, and the sophistication of, and bases for, their conclusions. *See Hicks*, 138 F.3d at 528 (ALJ must consider all relevant evidence and adequately explain their rationale for crediting certain evidence); *Akers*, 131 F.3d at 441.

If Claimant establishes total disability through the pulmonary function studies or medical opinions, the ALJ must also reweigh the evidence as a whole and determine whether Claimant has established total disability. *See Fields v. Island Creek Coal Co.*, 10 BLR 1-19, 1-21 (1987); *Shedlock*, 9 BLR at 1-198. If Claimant establishes total disability, he will invoke the Section 411(c)(4) presumption, in which case the ALJ must consider whether Employer has rebutted it. 20 C.F.R. §718.305(d)(1)(i), (ii). If Claimant fails to establish total disability, an essential element of entitlement, the ALJ may reinstate the denial of benefits. *See Anderson v. Valley Camp of Utah, Inc.*, 12 BLR 1-111, 1-112 (1989); *Trent v. Director, OWCP*, 11 BLR 1-26, 1-27 (1987). In rendering his findings on remand, the ALJ must explain the bases for his findings in accordance with the APA. *See Wojtowicz*, 12 BLR at 1-165.

Accordingly, the ALJ's Decision and Order Denying Benefits is affirmed in part and vacated in part, and the case is remanded for further consideration consistent with this opinion.

SO ORDERED.

DANIEL T. GRESH, Chief
Administrative Appeals Judge

GREG J. BUZZARD
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge