U.S. Department of Labor

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

BRB No. 23-0305 BLA

BONNAL L. O'QUINN	)	
	)	
Claimant-Petitioner	)	
	)	
v.	)	
	)	
D & L COAL COMPANY, INCORPORATED 2&3	)	
	)	
and	)	
	)	
LIBERTY MUTUAL INSURANCE COMPANY	)	DATE ISSUED: 11/21/2024
	)	
Employer/Carrier-Respondents	)	
	)	
DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR	)	
	)	
Party-in-Interest	)	DECISION and ORDER

Appeal of Decision and Order Denying Benefits of Carrie Bland, Associate Chief Administrative Law Judge, United States Department of Labor.

Bonnal L. O'Quinn, Cleveland, 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 appeals, without representation,[1] Associate Chief Administrative Law Judge (ALJ) Carrie Bland's Decision and Order Denying Benefits (2019-BLA-06304) rendered on a claim filed pursuant to the Black Lung Benefits Act, as amended, 30 U.S.C. §§901-944 (2018) (Act). This case involves a subsequent claim filed on April 27, 2018.[2]

The ALJ found Claimant did not establish complicated pneumoconiosis and thus could not invoke the irrebuttable presumption of total disability due to pneumoconiosis at Section 411(c)(3) of the Act, 30 U.S.C. §921(c)(3); *see* 20 C.F.R. §718.304. She credited Claimant with 27.64 years of qualifying coal mine employment, and she found he established the existence of pneumoconiosis and therefore a change in an applicable condition of entitlement.[3] 20 C.F.R. §§718.202(a), 725.309(c). However, she found Claimant did not establish a totally disabling respiratory or pulmonary impairment. 20 C.F.R. §718.204(b)(2). She therefore found Claimant did not invoke the rebuttable presumption of total disability due to pneumoconiosis at Section 411(c)(4) of the Act, 30

[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 administrative law judge's (ALJ) decision, but she is not representing Claimant on appeal. *See Shelton v. Claude V. Keene Trucking Co*., 19 BLR 1-88 (1995) (Order).

[2] Claimant filed four prior claims for benefits. Director's Exhibit 1. The ALJ noted that on December 5, 2011, the district director denied Claimant's prior claim, filed in 2010, for failure to establish any element of entitlement. Decision and Order at 2; Director's Exhibit 1; Employer's Brief at 1-2.

[3] When a miner files a claim for benefits more than one year after the denial of a previous claim becomes final, the ALJ must also deny the subsequent claim unless she finds that "one of the applicable conditions of entitlement . . . has changed since the date upon which the order denying the prior claim became final." 20 C.F.R. §725.309(c); *see White v. New White Coal Co.*, 23 BLR 1-1, 1-3 (2004). The "applicable conditions of entitlement" are "those conditions upon which the prior denial was based." 20 C.F.R. §725.309(c)(3). Because Claimant failed to establish any element of entitlement in his prior claim, he had to submit new evidence establishing an element of entitlement to obtain review of the merits of his current claim. *See* 20 C.F.R. §725.309(c)(3), (4); *White*, 23 BLR at 1-3.

U.S.C. §921(c)(4) (2018).[4] Because Claimant failed to establish an essential element of entitlement under 20 C.F.R. Part 718, the ALJ denied benefits.

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

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 (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 (1965).

To be entitled to benefits under the Act, Claimant must establish disease (pneumoconiosis); disease causation (it arose out of coal mine employment); disability (a totally disabling respiratory or pulmonary impairment); and disability causation (pneumoconiosis substantially contributed to the disability). 30 U.S.C. §901; 20 C.F.R. §§718.3, 718.202, 718.203, 718.204. Statutory presumptions may assist a claimant in establishing these elements when certain conditions are met, but failure to establish any element precludes an award of benefits. *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); *Perry v. Director, OWCP*, 9 BLR 1-1 (1986) (en banc).

[4] 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.

[5] We affirm, as unchallenged on appeal, the ALJ's finding that Claimant established 27.64 years of qualifying coal mine employment, the existence of pneumoconiosis, and a change in applicable condition of entitlement. *See Skrack v. Island Creek Coal Co.*, 6 BLR 1-710, 1-711 (1983); 20 C.F.R. §§718.202(a), 725.309(c); Decision and Order at 2-3, 16.

[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); Decision and Order at 3 n.1; Director's Exhibit 4.

Invocation of the Section 411(c)(3) Presumption - Complicated Pneumoconiosis

Section 411(c)(3) of the Act, 30 U.S.C. §921(c)(3), provides an irrebuttable presumption that a miner is totally disabled due to pneumoconiosis if he suffers from a chronic dust disease of the lung which: (a) when diagnosed by x-ray, yields one or more opacities greater than one centimeter in diameter that would be classified as Category A, B, or C; (b) when diagnosed by biopsy or autopsy, yields massive lesions in the lung; or (c) when diagnosed by other means, would be a condition that could reasonably be expected to yield a result equivalent to (a) or (b). *See* 20 C.F.R. §718.304. In determining whether a claimant has invoked the irrebuttable presumption, the ALJ must weigh all evidence relevant to the presence or absence of complicated pneumoconiosis. *See Westmoreland Coal Co. v. Cox*, 602 F.3d 276, 283 (4th Cir. 2010); *E. Assoc. Coal Corp. v. Director, OWCP* [*Scarbro*], 220 F.3d 250, 255-56 (4th Cir. 2000); *Melnick v. Consolidation Coal Co.*, 16 BLR 1-31, 1-33 (1991) (en banc).

The ALJ found the x-rays, computed tomography (CT) scans, medical opinion evidence, and Claimant's treatment records do not support a finding of complicated pneumoconiosis.[7] 20 C.F.R. §718.304(a), (c); Decision and Order at 12-14. Thus, she found the evidence as a whole does not establish complicated pneumoconiosis. Decision and Order at 14.

20 C.F.R. §718.304(a) - X-rays

The ALJ considered eleven interpretations of three x-rays dated March 16, 2017, May 23, 2018, and October 22, 2020. Decision and Order at 4-6, 12-13. She correctly found all the physicians who interpreted these x-rays are dually-qualified as B readers and Board-certified radiologists. Decision and Order at 12; Director's Exhibits 13, 15, 16; Claimant's Exhibits 1-5; Employer's Exhibits 1, 3.

Dr. DePonte read the March 16, 2017 x-ray as positive for complicated pneumoconiosis, Category A, while Dr. Tarver read the x-ray as negative for the disease. Claimant's Exhibit 1; Employer's Exhibit 1. Drs. Alexander, Crum, DePonte, and Ramakrishnan read the May 23, 2018 x-ray as positive for complicated pneumoconiosis, Category A, while Drs. Adcock, Tarver, and Simone read the x-ray as negative for the disease.[8] Director's Exhibits 13, 15, 16; Claimant's Exhibits 3-5. Finally, Dr.

[7] The ALJ found there is no biopsy evidence in the record. 20 C.F.R. §718.304(b); Decision and Order at 13.

[8] Dr. Ranavaya, a B reader, read the May 23, 2018 x-ray for quality purposes only. Director's Exhibit 14.

Ramakrishnan read the October 22, 2020 x-ray as positive for complicated pneumoconiosis, Category A, while Dr. Tarver read the x-ray as negative for the disease. Claimant's Exhibit 2; Employer's Exhibit 3.

The ALJ found the readings of the March 16, 2017 and October 22, 2020 x-rays "equivocal" because an "evenly split" number of dually-qualified radiologists read each x-ray as positive and negative for complicated pneumoconiosis. Decision and Order at 12-13. Similarly, she found the readings of the May 23, 2018 x-ray "equivocal" regarding the existence of complicated pneumoconiosis because the dually-qualified physicians who read the x-ray are also "split" on whether it shows complicated pneumoconiosis. She further found "no basis to prefer the interpretation of any of the highly qualified physicians over another similarly qualified physician." *Id.* at 12. Thus, she concluded the x-ray evidence does not support a finding of complicated pneumoconiosis. *Id.* at 13.

Contrary to the ALJ's finding, a greater number of dually-qualified radiologists read the May 23, 2018 x-ray as positive for complicated pneumoconiosis than the number of dually-qualified radiologists who read the x-ray as negative for the disease. Because the ALJ did not adequately explain how she resolved the conflicting readings of the May 23, 2018 x-ray, her decision does not comply with the Administrative Procedure Act (APA).[9] 5 U.S.C. §557(c)(3)(A); *see Wojtowicz v. Duquesne Light Co.*, 12 BLR 1-162, 1-165 (1989). Thus, we vacate the ALJ's finding that the readings of the May 23, 2018 x-ray are in equipoise. Decision and Order at 12.

Because the ALJ's error in weighing the May 23, 2018 x-ray necessarily affected her weighing of the x-ray evidence as a whole, we also vacate her finding that the x-ray evidence does not support a finding of complicated pneumoconiosis. 20 C.F.R. §718.304(a).

20 C.F.R. §718.304(c) - Medical Opinions

The ALJ also considered the medical opinions of Drs. Ajjarapu, Harris, and Dahhan, and Claimant's treatment note from Nurse Practitioner Jody Willis. Decision and Order at 8-9, 13-14. Dr. Ajjarapu opined Claimant has complicated pneumoconiosis, and Dr. Harris diagnosed him with progressive massive fibrosis. Dr. Dahhan opined he does not have complicated pneumoconiosis. Director's Exhibit 13 at 6; Claimant's Exhibit 9 at 3;

[9] The Administrative Procedure Act provides every adjudicatory decision must include "findings and conclusions, and the reasons or basis therefor, on all the material issues of fact, law, or discretion presented . . . ." 5 U.S.C. §557(c)(3)(A), as incorporated into the Act by 30 U.S.C. §932(a).

Employer's Exhibit 2 at 6. Nurse Practitioner Willis diagnosed Claimant with coal workers' pneumoconiosis and pulmonary fibrosis. Claimant's Exhibit 8 at 4.

The ALJ permissibly found Dr. Harris's opinion inadequately reasoned because he "generally lists the evidence he considered" and "does not provide any discussion or explanation of his diagnosis." Decision and Order at 14; *see Milburn Colliery Co. v. Hicks*, 138 F.3d 524, 533 (4th Cir. 1998); *Sterling Smokeless Coal Co. v. Akers*, 131 F.3d 438, 441 (4th Cir. 1997). She also permissibly found Nurse Practitioner Willis's opinion entitled to no weight because she is not a physician. *Id*. Further, she found Dr. Dahhan's opinion outweighed Dr. Ajjarapu's opinion because Dr. Dahhan is "Board-certified in relevant specialties" and is a B reader, while Dr. Ajjarapu's credentials are not in the record. Decision and Order at 14. Thus, she found the medical opinion evidence does not support a finding of complicated pneumoconiosis. *Id*.

While the ALJ determined Dr. Dahhan's qualifications are superior to Dr. Ajjarapu's, she did not make any credibility findings regarding whether their opinions are reasoned and documented. *Hicks*, 138 F.3d at 533; *Akers*, 131 F.3d at 441. Although the qualifications of the respective medical experts are relevant to resolving the conflict in the evidence, the ALJ must still consider the entirety of the doctors' opinions, including the underlying rationales for reaching their conclusions. *See Sea "B" Mining Co. v. Addison*, 831 F.3d 244, 252-53 (4th Cir. 2016) (ALJ must conduct an appropriate analysis of the evidence to support his or her conclusion and render necessary credibility findings); *Balsavage v. Director, OWCP*, 295 F.3d 390, 397 (3d Cir. 2002) (error for an ALJ to defer to a medical opinion based on superior credentials without considering whether doctor's underlying rationale was persuasive); *Gross v. Dominion Coal Corp*., 23 BLR 1-8, 1-18-19 (2003) (qualifications alone do not provide a basis for giving greater weight to a particular physician's opinion; that opinion must also be adequately reasoned and documented); *Trumbo v. Reading Anthracite Co.*, 17 BLR 1-85 (1993) (ALJ is not required to defer to the physicians with superior qualifications).

Thus, the ALJ erred in failing to critically analyze Dr. Dahhan's opinion, render any findings as to whether his opinion is reasoned and documented, or otherwise explain why she found his opinion credible as the APA requires. *See Addison*, 831 F.3d at 252-53; *Hicks*, 138 F.3d at 533; *Wojtowicz*, 12 BLR at 1-165; Decision and Order at 14.

We therefore vacate her finding that the medical opinion evidence does not support a finding of complicated pneumoconiosis. Decision and Order at 14.

20 C.F.R. §718.304(c) – CT scans

Claimant's treatment records contain two readings of CT scans dated May 23, 2017, and August 22, 2017. Claimant's Exhibits 6, 7. Dr. Cobb found the May 23, 2017 CT

scan of Claimant's lungs shows "[coal workers' pneumoconiosis]/silicosis with progressive massive fibrosis," interstitial nodular lung diseases throughout, and mild emphysematous lung changes. Claimant's Exhibit 6. Dr. Mullens found the August 22, 2017 CT scan of Claimant's lungs shows "innumerable small interstitial nodules predominantly in the mid and upper lung zones consistent with [coal workers' pneumoconiosis]/silicosis." Claimant's Exhibit 7.

The ALJ correctly stated 20 C.F.R. §718.107(b) provides that an ALJ must determine, on a case-by-case basis, whether the proponent of "other medical evidence," i.e., a test or procedure such as a CT scan, has established it is "medically acceptable and relevant to entitlement." Decision and Order at 13 n.4; *see Webber v. Peabody Coal Co.*, 23 BLR 1-123 (2006) (en banc), *aff'd on recon.*, 24 BLR 1-1 (2007) (en banc); *Clark v. Karst-Robbins Coal Co.*, 12 BLR 1-149, 1-151 (1989) (en banc). She also correctly noted "[t]he party submitting the test or procedure . . . bears the burden to demonstrate that the test or procedure is medically acceptable and relevant to establishing or refuting a claimant's entitlement to benefits." Decision and Order at 13; *see Dempsey v. Sewell Coal Co.*, 23 BLR 1-47 (2004); 20 C.F.R. §718.107; 65 Fed. Reg. at 79,940, 79,945 (Dec. 20, 2000). Finding "no evidence has been submitted to demonstrate the medical acceptability and relevance of CT scan interpretations" under 20 C.F.R. §718.107(b), she declined to consider Drs. Cobb's and Mullens's CT scan interpretations. Decision and Order at 13 n.4.

Contrary to the ALJ's finding, however, Claimant submitted Dr. Ramakrishnan's statement that a "CT [scan] may help" to confirm the Category A opacity he identified "vs. cancer" on the May 23, 2018 x-ray. Claimant's Exhibit 4 at 2. Thus, the ALJ failed to consider all relevant evidence. *Addison*, 831 F.3d at 252-53; *McCune v. Central Appalachian Coal Co.*, 6 BLR 1-996, 1-998 (1984) (fact finder's failure to discuss relevant evidence requires remand).

In view of the foregoing errors, we vacate the ALJ's finding that the weight of the evidence as a whole does not establish complicated pneumoconiosis. Decision and Order at 14. We therefore vacate her finding that Claimant did not invoke the Section 411(c)(3) presumption and remand the case for further consideration. Decision and Order at 14; 20 C.F.R. §718.304; *Cox*, 602 F.3d at 283; *Scarbro*, 220 F.3d at 255-56; *Melnick*, 16 BLR at 1-33.

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

To invoke the Section 411(c)(4) presumption, a claimant must establish he has a totally disabling respiratory or pulmonary impairment. 20 C.F.R. §718.305(b)(1)(iii). 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

employment. *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,[10] 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. 20 C.F.R. §718.204(b)(2); Decision and Order at 7-9, 16-18.

Pulmonary Function Studies

The ALJ considered the results of two pulmonary function studies dated May 3, 2018, and March 11, 2021, and accurately found both studies produced non-qualifying results. Decision and Order at 7, 16-17; Director's Exhibit 13; Employer's Exhibit 2. Thus, we affirm her finding that the pulmonary function study evidence does not establish total disability. 20 C.F.R. §718.204(b)(2)(i); Decision and Order at 17.

Arterial Blood Gas Studies

The ALJ also considered the results of two arterial blood gas studies dated May 3, 2018, and March 11, 2021, and accurately found both studies produced non-qualifying results. Decision and Order at 8, 17; Director's Exhibit 13; Employer's Exhibit 2. Thus, we affirm her finding that the arterial blood gas study evidence does not establish total disability. 20 C.F.R. §718.204(b)(2)(ii); Decision and Order at 17.

Cor Pulmonale

The ALJ correctly found there is no evidence of cor pulmonale with right-sided congestive heart failure. Decision and Order at 17. Thus, we affirm her determination that Claimant cannot establish total disability at 20 C.F.R. §718.204(b)(2)(iii). *Id*.

Medical Opinions

Before weighing the medical opinions, the ALJ determined the exertional requirements of Claimant's usual coal mine employment. Decision and Order at 17-18. A

[10] A "qualifying" pulmonary function study or arterial 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).

miner's usual coal mine employment is the most recent job he 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 Claimant stated on his Description of Coal Mine Work form that his last coal mine job as a foreman required him to lift and carry one to fifty pounds daily. Director's Exhibit 5. She also noted Claimant stated his job required him to operate a roof bolter, miner, loader, and hand tools and both Dr. Ajjarapu and Dr. Dahhan opined that his job required heavy exertion. Director's Exhibits 5, 13 at 1; Employer's Exhibit 2 at 1. As the ALJ's finding that Claimant's usual coal mine work as a foreman required sustained moderate exertion with occasional daily periods of heavy exertion is supported by substantial evidence, we affirm it. *See Hicks,* 138 F.3d at 528 (substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion") (citations omitted); *see also Eagle v. Armco Inc*., 943 F.2d 509, 511-12 & n.4 (4th Cir. 1991) (whether a miner can perform his usual coal mine work depends on whether he can perform the "most arduous" part of that work); *Heavilin v. Consolidation Coal Co.*, 6 BLR 1-1209, 1-1213 (1984) (determination of nature of usual coal mine work and its physical requirements is for the fact-finder); Decision and Order at 18.

The ALJ then considered the medical opinions of Drs. Ajjarapu and Dahhan. Decision and Order at 8-9, 16-18. Dr. Ajjarapu opined Claimant is totally disabled from a pulmonary or respiratory impairment, while Dr. Dahhan opined he is not. Director's Exhibit 13 at 7; Employer's Exhibit 2 at 6. The ALJ found Dr. Ajjarapu's opinion not well-reasoned or documented and entitled to no weight because it is "based solely on [the May 23, 2018] x-ray" that the doctor considered positive for complicated pneumoconiosis. The ALJ also noted that Dr. Ajjarapu otherwise opined that the results of Claimant's pulmonary function study, blood gas study, EKG, and lung examination were all "normal." Decision and Order at 18 (citing Director's Exhibit 13). She thus concluded the medical opinion evidence does not support a finding of total disability. *Id.*

Because we have vacated the ALJ's findings that the May 23, 2018 x-ray and the x-ray evidence as a whole does not support a finding of complicated pneumoconiosis, we also vacate her finding that Dr. Ajjarapu's opinion does not support a finding of total disability. Further, while the ALJ summarized Dr. Dahhan's opinion, she erred in failing to critically analyze it, render a finding regarding whether it is reasoned and documented, and specify the weight she accorded it. Decision and Order at 17-18; *see Addison*, 831 F.3d at 252-53; *Hicks*, 138 F.3d at 533; *Wojtowicz*, 12 BLR at 1-165; *McCune*, 6 BLR at 1-998.

We therefore vacate the ALJ's findings that Claimant failed to establish total disability at 20 C.F.R. §718.204(b)(2)(iv) and in consideration of the evidence as a whole. Decision and Order at 18. We also vacate her finding that Claimant failed to invoke the

Section 411(c)(4) presumption and did not establish entitlement under 20 C.F.R. Part 718. *Id*. at 18-19. Consequently, we vacate the denial of benefits and remand the case for further consideration. *Id*. at 19.

Remand Instructions

On remand, the ALJ must separately reconsider the readings of the May 23, 2018 x-ray, the x-ray evidence as a whole, the CT scans, and medical opinions to determine if they support a finding of complicated pneumoconiosis. 20 C.F.R. §718.304(a), (c). In doing so, she must resolve conflicts in the evidence and provide valid bases for her determinations. *See Island Creek Coal Co. v. Compton*, 211 F.3d 203, 208-11 (4th Cir. 2000); *Piney Mountain Coal Co. v. Mays*, 176 F.3d 753, 762 (4th Cir. 1999) ("[T]he 'substantial evidence' standard is tolerant of a wide range of findings on a given record."); *Melnick,* 16 at 1-33. When weighing the medical opinion evidence, the ALJ must consider the explanations for the physicians' conclusions, the documentation underlying their medical judgment, and the sophistication of, and bases for, their diagnoses. *Hicks*, 138 F.3d at 533; *Akers*, 131 F.3d at 441. In addition, she must weigh together all the relevant evidence at 20 C.F.R. §718.304(a)-(c) before determining whether Claimant invoked the Section 411(c)(3) presumption. *Cox*, 602 F.3d at 283; *Scarbro*, 220 F.3d at 255-56; *Melnick,* 16 BLR at 1-33; 20 C.F.R. §718.304.

If the ALJ finds Claimant has met his burden to establish complicated pneumoconiosis and thus invoked the Section 411(c)(3) presumption, she must determine whether his complicated pneumoconiosis arose out of his coal mine employment. 20 C.F.R. §718.203(b). Then, if the ALJ finds Claimant's complicated pneumoconiosis arose out of his coal mine employment, she must award benefits. 20 C.F.R. §718.304. If the ALJ finds Claimant has not established complicated pneumoconiosis, she must determine whether he has established entitlement under the Section 411(c)(4) presumption. 30 U.S.C. §921(c)(4).

If the ALJ must determine whether Claimant has invoked the Section 411(c)(4) presumption, she must reweigh the opinions of Drs. Ajjarapu and Dahhan, taking into consideration the exertional requirements of Claimant's usual coal mine work and other relevant evidence. *Cornett*, 227 F.3d at 578. She must consider the physicians' qualifications, the explanations for their opinions, the documentation underlying their medical judgments, and the sophistication of and bases for their diagnoses. *See Hicks*, 138 F.3d at 533; *Akers*, 131 F.3d at 441. She must then weigh the evidence as a whole and determine whether Claimant has established total disability by a preponderance of the

evidence. *Fields v. Island Creek Coal Co.*, 10 BLR 1-19, 1-21 (1987); *Rafferty*, 9 BLR at 1-232; *Shedlock*, 9 BLR at 1-198.

If Claimant establishes total disability, he will invoke the Section 411(c)(4) presumption and the ALJ must then consider whether Employer has rebutted the presumption. 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. *Anderson*, 12 BLR at 1-112; *Trent*, 11 BLR at 1-2. In rendering her credibility findings, the ALJ must set forth her findings in detail and explain her rationale in accordance with the APA requirements. *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 to the ALJ for further proceedings 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