

**PART VII**

**ESTABLISHING ENTITLEMENT UNDER 20 C.F.R. PART 718**

**B. EXISTENCE OF PNEUMOCONIOSIS**

**6. SECTION 718.202(a)(4): OTHER MEDICAL EVIDENCE**

**DIGESTS**

The administrative law judge cannot rely upon his own interpretation of the significance of CT scan evidence of bullae, speculated nodules, and nodular areas in the upper lobes of a miner's lungs to resolve the conflict in the CT scan readings of record. In this case, the Board vacated the administrative law judge's determination that these findings are diagnostic of pneumoconiosis. ***Harris v. Old Ben Coal Co.***, 23 BLR 1-98 (2006) (*en banc*) (McGranery & Hall, JJ., concurring and dissenting), *aff'd on recon.*, BLR (2007)(*en banc*)(McGranery & Hall, JJ., concurring and dissenting).

10/07