

PART VII

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

D. TOTAL DISABILITY: SECTION 718.204

3. SECTION 718.204(c)(2)

Pursuant to Section 718.204(c)(2), claimant may offer blood gas study evidence to establish total disability. This evidence must be ultimately weighed against any contrary probative evidence of record by the administrative law judge.

CASE LISTINGS

DIGESTS

An administrative law judge must consider fractional amounts in reported blood gas study values and that where the reported values exceed the Appendix C table values by a fractional amount, the study is insufficient to establish total disability pursuant to Section 718.204(c)(2). *Tucker v. Director, OWCP*, 10 BLR 1-35 (1987).

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