U.S. Department of Labor

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

BRB No. 24-0227 BLA

TERESA PARRISH (o/b/o WILLIAM PARRISH) Claimant-Respondent v. REND LAKE MINE and CONSOL ENERGY, INCORPORATED Employer/Carrier- Petitioners DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR Party-in-Interest	)	**NOT-PUBLISHED** DATE ISSUED: 04/18/2025 DECISION and ORDER

Appeal of the Decision and Order Awarding Benefits of Jason A. Golden, Administrative Law Judge, United States Department of Labor.

M. Alexander Russell and Austin P. Vowels (Vowels Law PLC), Henderson, Kentucky, for Claimant.

William S. Mattingly (Jackson Kelly PLLC), Lexington, Kentucky, for Employer.

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

PER CURIAM:

Employer appeals Administrative Law Judge (ALJ) Jason A. Golden's Decision and Order Awarding Benefits (2022-BLA-05040) rendered on a subsequent claim[1] filed on October 28, 2020, pursuant to the Black Lung Benefits Act, as amended, 30 U.S.C. §§901-944 (2018) (Act).

The ALJ credited the Miner with at least seventeen years of underground coal mine employment and found he had a totally disabling respiratory or pulmonary impairment. 20 C.F.R. §718.204(b)(2). He therefore determined Claimant[2] demonstrated a change in an applicable condition of entitlement at 20 C.F.R. §725.309,[3] and invoked the presumption of total disability due to pneumoconiosis at Section 411(c)(4) of the Act.[4] 30 U.S.C. §921(c)(4) (2018). The ALJ further found Employer did not rebut the presumption, and he awarded benefits beginning in November 2015.

[1] This is the Miner's second claim for benefits. His first claim was administratively closed, and the Federal Records Center subsequently "destroyed" the record. Decision and Order at 2, *citing* Director's Exhibit 39 at 1.

[2] Claimant, the Miner's widow, filed a motion to be substituted for the Miner, who died on December 15, 2023, and consequently the ALJ amended the caption of the case to reflect that substitution. Order on Motion to Substitute Party at 1, 4.

[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 he 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); *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 the record of Claimant's first claim was destroyed, the ALJ proceeded as if Claimant had not proven any element of entitlement; Claimant was required to submit new evidence establishing any element of entitlement to warrant a review of the Miner's subsequent claim on the merits. *See White*, 23 BLR at 1-3; Director's Exhibit 39; Decision and Order at 3 n.9.

[4] Section 411(c)(4) provides a rebuttable presumption that a miner was totally disabled due to pneumoconiosis if he had 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.

On appeal, Employer argues the ALJ erred in finding Claimant established the Miner was totally disabled and invoked the Section 411(c)(4) presumption and in finding the presumption unrebutted. Alternatively, Employer argues the ALJ erred in determining the commencement date of benefits. Claimant responds in support of the award of benefits. The Acting Director, Office of Workers' Compensation Programs, declined to file a response brief.[5]

The Benefits Review Board's scope of review is defined by statute. We must affirm the ALJ's Decision and Order if it is 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).

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

A miner was totally disabled if his pulmonary or respiratory impairment, standing alone, prevented him from performing his usual coal mine work. *See* 20 C.F.R. §718.204(b)(1). A claimant may establish total disability based on qualifying pulmonary function studies, qualifying 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 consider all relevant evidence and weigh the evidence supporting total disability against the contrary evidence. *See 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).

We affirm, as unchallenged, the ALJ's determination that the pulmonary function study evidence supports a finding of total disability. *See Skrack v. Island Creek Coal Co.*, 6 BLR 1-710, 1-711 (1983); Decision and Order at 6-8. However, Employer contends the

[5] We affirm, as unchallenged on appeal, the ALJ's finding that Claimant established the Miner had "at least [seventeen]" years of underground coal mine employment. *See Skrack v. Island Creek Coal Co.*, 6 BLR 1-710, 1-711 (1983); Decision and Order at 5.

[6] The Board will apply the law of the United States Court of Appeals for the Seventh Circuit because the Miner performed his last coal mine employment in Illinois. *See Shupe v. Director, OWCP*, 12 BLR 1-200, 1-202 (1989) (en banc); Decision and Order at 5; Director's Exhibit 3; Hearing Transcript at 18, 24.

[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).

ALJ erred in weighing the medical opinions and the evidence as a whole. We disagree.[8] 20 C.F.R. §718.204(b)(2)(iv); Decision and Order at 14.

Medical Opinions

The ALJ considered five opinions.[9] Decision and Order at 9-13. Dr. Majmudar initially opined the Miner was not totally disabled from a pulmonary standpoint but ultimately concluded the Miner was totally disabled and did not have the respiratory capacity to do his usual coal mine job. Director's Exhibits 12 at 6; 40; Claimant's Exhibit 8 at 16-17. Drs. Istanbouly and Chavda also opined the Miner was totally disabled from a respiratory standpoint. Claimant's Exhibits 7 at 3-6; 10 at 2-4; Employer's Exhibits 4 at 42-43; 11 at 23-24. Dr. Selby initially opined the Miner was not totally disabled from a pulmonary standpoint and later opined the Miner was not able to perform his job as a roof bolter due to his heart problems, asthma, and emphysema. Employer's Exhibits 3 at 16; 8 at 33-34. Dr. Ranavaya opined the Miner did not have a totally disabling respiratory or pulmonary impairment. Employer's Exhibit 7 at 14-15.

The ALJ credited the opinions of Drs. Majmudar, Istanbouly, and Chavda as reasoned and documented; he also found their opinions consistent with the medical evidence available to them and the weight of the qualifying pulmonary function studies. Decision and Order at 9-11. He found Dr. Ranavaya's opinion entitled to less weight because it did not account for the qualifying pulmonary function studies that the ALJ credited. *Id*. at 13. The ALJ also found Dr. Selby's opinion speculative and not sufficiently explained. *Id*. at 11-13.

[8] The ALJ found Claimant did not establish the Miner was totally disabled under 20 C.F.R. §718.204(b)(2)(ii), (iii). Decision and Order at 5, 8. He found the two blood gas studies yielded non-qualifying results and therefore do not aid Claimant in establishing the Miner had a totally disabling respiratory or pulmonary impairment; he also found no evidence of cor pulmonale with right-sided congestive heart failure. Decision and Order at 5, 8; Director's Exhibit 12 at 17; Employer's Exhibit 3 at 21. The ALJ also found Claimant did not establish the Miner had complicated pneumoconiosis and thus was unable to invoke the irrebuttable presumption of total disability due to pneumoconiosis under Section 411(c)(3) of the Act, 30 U.S.C. §921(c)(3). 20 C.F.R. §718.304; Decision and Order at 5.

[9] We affirm, as unchallenged, the ALJ's finding that the Miner's usual coal mine work as a roof bolter required heavy manual labor, including heavy lifting and significant amounts of walking and crawling. *See Skrack*, 6 BLR at 1-711; Decision and Order at 9.

Employer initially argues the ALJ erred in finding Claimant invoked the Section 411(c)(4) presumption without first determining whether the Miner's impairment was "chronic." Employer's Brief at 14-17.

Nothing in the Act or regulations requires the miner to show that his total disability was chronic in order to invoke the Section 411(c)(4) presumption. *Consolidation Coal Co. v. Director, OWCP* [*Staten*], 129 F.4th 409, 414 (7th Cir. 2025). Thus, the relevant inquiry for invocation of the Section 411(c)(4) presumption is whether the deceased miner had a totally disabling respiratory impairment, 20 C.F.R. §718.305(b)(1)(iii), and we reject Employer's argument that the ALJ was required to address whether the Miner's impairment was "chronic" before invoking the Section 411(c)(4) presumption.

Employer also argues the ALJ erred in relying on Dr. Majmudar's opinion because it was based on the Miner's "amount of energy and oxygen" and not medically acceptable diagnostic techniques as the regulations require. Employer's Brief at 17-18; *see* 20 C.F.R. §718.204(b)(2)(iv). We disagree.

In his supplemental report, Dr. Majmudar opined that:

> His [the Miner's] FEV1 is 59% of the predicted value. This is significantly reduced lung capacity. He will not be able to perform his previous coal mining job as a roof bolter. Although his numbers are above the federally indicated guidelines for disability, the *amount of energy and oxygen* that he will need to perform roof bolter work, with 59% of FEV1, is not sufficient enough for him to work 10 - 12 hours a day in the coal mines working as a roof bolter.

Director's Exhibit 40 (emphasis added). Contrary to Employer's argument, to the extent Dr. Majmudar specifically referenced the Miner's January 19, 2021 pre-bronchodilator pulmonary function study, the physician relied on a medically acceptable diagnostic technique. 20 C.F.R. §718.204(b)(2)(i), (iv); Decision and Order at 10; Director's Exhibit 40. Moreover, the ALJ acted within his discretion in relying on Dr. Majmudar's opinion of total disability because the physician "understood the exertional requirements" of the Miner's usual coal mine work and discussed the objective tests in relation to the Miner's lung capacity to perform his work as a roof bolter. *See Cornett v. Benham Coal, Inc.*, 227 F.3d 569, 578 (6th Cir. 2000) (even a mild impairment may be totally disabling depending on the exertional requirements of a miner's usual coal mine employment); *Killman v. Director, OWCP*, 415 F.3d 716, 719 (7th Cir. 2005) (claimant can establish a miner's total disability despite non-qualifying objective tests); Decision and Order at 10; Director's Exhibits 12 at 1; 40; Claimant's Exhibit 8 at 10-11, 16-17. Employer next asserts that because the ALJ rejected Dr. Istanbouly's explanation that the non-qualifying January 19,

2021 pulmonary function study was invalid, he was required to find his opinion not credible on the issue of total disability. Employer's Brief at 18-19. We disagree as the ALJ permissibly found Dr. Istanbouly also based his opinion on two qualifying pulmonary function studies from November 5, 2015, and December 2, 2021, which the physician concluded were valid and showed Claimant is totally disabled. *See Poole v. Freeman United Coal Mining Co.*, 897 F.2d 888, 895 (7th Cir. 1990) (weighing of the medical evidence is the function of the ALJ as factfinder); Decision and Order at 11 & n.40; Claimant's Exhibit 10 at 2-5; Employer's Exhibit 11 at 23, 30.

Finally, Employer generally asserts the ALJ erred in relying on Dr. Chavda's opinion because it was "not credible." Employer's Brief at 19. As Employer's argument is inadequately briefed, we decline to address it. 20 C.F.R. §802.211(b); *Cox v. Benefits Review Board*, 791 F.2d 445, 446-47 (6th Cir. 1986); *Sarf v. Director, OWCP*, 10 BLR 1-119, 1-120-21 (1987); Employer's Brief at 19.

Having rejected Employer's arguments at total disability, we affirm the ALJ's finding that Claimant established the Miner had a totally disabling respiratory or pulmonary impairment based on the medical opinion evidence at 20 C.F.R. §718.204(b)(2)(iv), and in consideration of the evidence as a whole. *See Wetzel v. Director, OWCP*, 8 BLR 1-139, 1-141 (1985) (ALJ may properly credit medical opinions that are consistent with the weight of the objective evidence); Decision and Order at 10-11. We thus affirm the ALJ's determination that Claimant invoked the Section 411(c)(4) presumption and established a change in an applicable condition of entitlement. 30 U.S.C. §921(c)(4); Decision and Order at 14, 25.

Rebuttal of the Section 411(c)(4) Presumption

Because Claimant invoked the Section 411(c)(4) presumption, the burden shifted to Employer to establish the Miner had neither legal nor clinical pneumoconiosis,[10] or "no part of [his] respiratory or pulmonary total disability was caused by pneumoconiosis as

[10] "Clinical pneumoconiosis" consists of "those diseases recognized by the medical community as pneumoconioses, *i.e.*, the conditions characterized by permanent deposition of substantial amounts of particulate matter in the lungs and the fibrotic reaction of the lung tissue to that deposition caused by dust exposure in coal mine employment." 20 C.F.R. §718.201(a)(1). "Legal pneumoconiosis" includes any chronic lung disease or impairment and its sequelae arising out of coal mine employment. 20 C.F.R. §718.201(a)(2). The definition includes "any chronic pulmonary disease or respiratory or pulmonary impairment significantly related to, or substantially aggravated by, dust exposure in coal mine employment." 20 C.F.R. §718.201(b).

defined in [20 C.F.R.] §718.201." 20 C.F.R. §718.305(d)(1)(i), (ii). The ALJ found Employer failed to rebut the presumption by either method.[11] Decision and Order at 22-24.

Legal Pneumoconiosis

To disprove legal pneumoconiosis, Employer must establish the Miner did not have a chronic lung disease or impairment "significantly related to, or substantially aggravated by, dust exposure in coal mine employment." *See* 20 C.F.R. §§718.201(a)(2), (b), 718.305(d)(2)(i)(A); *Minich v. Keystone Coal Mining Co.*, 25 BLR 1-149, 1-155 n.8 (2015).

Employer relies on the opinions of Drs. Selby and Ranavaya to disprove legal pneumoconiosis. Dr. Selby opined the Miner had an obstructive defect due to smoking based on its partial reversibility, asthma made worse by the Miner's smoking exposure, and bullous emphysema, but he did not relate the obstructive defect, asthma, or emphysema to coal mine dust exposure. Employer's Exhibits 3 at 8; 8 at 19-20, 52-54. Dr. Ranavaya opined the Miner had an obstructive defect and asthma unrelated to coal mine dust exposure. Employer's Exhibit 7 at 8-15. He based that opinion on the partial reversibility seen and the fact that the FEV1/FVC ratio on pulmonary function testing was not preserved. *Id*. After diagnosing both interstitial fibrosis and emphysema, he related them both to smoking because it is the most significant risk factor for developing these diseases. *Id*. The ALJ gave both opinions little weight. Decision and Order at 22.

[11] The ALJ did not determine whether Employer disproved clinical pneumoconiosis after finding Employer did not disprove legal pneumoconiosis. Decision and Order at 23. Although Employer asserts the ALJ erred by not considering the x-ray and computed tomography scan evidence, and thus contends "it is unknown how the diagnosis of clinical pneumoconiosis might have impacted the credibility of Dr. Istanbouly['s opinion] as opposed [t]o the other experts," Employer does not explain how the alleged error affects the outcome of this case. *See Shinseki v. Sanders*, 556 U.S. 396, 413 (2009) (appellant must explain how the "error to which [it] points could have made any difference"); Employer's Brief at 5 n.3. Moreover, we need not reach this issue based on our affirmance of the ALJ's finding that Employer failed to disprove legal pneumoconiosis, which precludes a rebuttal finding that Claimant does not have pneumoconiosis. *See Cent. Ohio Coal Co. v. Director, OWCP* [*Sterling*], 762 F.3d 483, 492 (6th Cir. 2014); *see infra*.

Employer argues the ALJ erred in giving little weight to Drs. Selby's and Ranavaya's opinions.[12] Employer's Brief at 5-9. We are unpersuaded by Employer's argument.

The ALJ permissibly gave little weight to Drs. Selby's and Ranavaya's opinions that the Miner had asthma unrelated to coal mine dust exposure because the physicians did not adequately explain how coal mine dust exposure did not aggravate the Miner's asthma, although Dr. Selby conceded coal mine dust exposure can worsen asthma. *See Consolidation Coal Co. v. Director, OWCP* [*Beeler*], 521 F.3d 723, 726 (7th Cir. 2008); *Clark v. Karst-Robbins Coal Co.*, 12 BLR 1-149, 1-155 (1989) (en banc); Decision and Order at 18-19, 21-22; Employer's Exhibits 7 at 8; 8 at 20, 36, 50. Moreover, the ALJ permissibly gave little weight to Drs. Selby's and Ranavaya's opinions because they relied on the partial reversibility of the Miner's impairment without adequately explaining how coal mine dust exposure did not cause or aggravate the fixed component of the Miner's obstruction. *See Cumberland River Coal Co. v. Banks*, 690 F.3d 477, 489 (6th Cir. 2012); *Crockett Collieries, Inc. v. Director, OWCP* [*Barrett*], 478 F.3d 350, 356 (6th Cir. 2007); Decision and Order at 19, 21-22; Employer's Exhibits 7 at 12; 8 at 19.

Moreover, the ALJ permissibly gave little weight to Dr. Ranavaya's opinion that the Miner's interstitial fibrosis was related to smoking because the physician did not explain how he determined coal mine dust exposure did not aggravate, cause, or contribute to the Miner's interstitial fibrosis. *See Mingo Logan Coal Co. v. Owens*, 724 F.3d 550, 558 (4th Cir. 2013); *Clark*, 12 BLR at 1-155; Decision and Order at 20; Employer's Exhibit 7 at 9, 11. The ALJ also permissibly gave little weight to Dr. Ranavaya's opinion that the Miner's reduced FEV1/FVC ratio on pulmonary function testing reflects a smoking-related impairment instead of one related to coal mine dust exposure because it was based on generalities and inconsistent with the Department of Labor's recognition that such a ratio can reflect a coal mine dust-related impairment. 20 C.F.R. §718.204(b)(2)(i)(C); 65 Fed. Reg. 79,920, 79,943 (Dec. 20, 2000); *see Westmoreland Coal Co. v. Stallard*, 876 F.3d 663, 671-72 (4th Cir. 2017); *Cent. Ohio Coal Co. v. Director, OWCP* [*Sterling*], 762 F.3d 483, 491-92 (6th Cir. 2014); *Knizner v. Bethlehem Mines Corp.*, 8 BLR 1-5, 1-7 (1985); Decision and Order at 20-21; Employer's Exhibit 7 at 10, 11. Finally, the ALJ acted within his discretion in giving little weight to Dr. Ranavaya's opinion, that smoking caused the Miner's pulmonary impairment, for not explaining how coal mine dust exposure did not

[12] We decline to address any challenge Employer makes at rebuttal regarding the opinions of Drs. Majmudar, Istanbouly, and Chavda because the ALJ properly found they all diagnosed legal pneumoconiosis and thus do not support Employer's burden to disprove legal pneumoconiosis. *See* Decision and Order at 17; Employer's Brief at 17-20.

contribute to it.[13] *See Beeler*, 521 F.3d at 726; *Clark*, 12 BLR at 1-155; Decision and Order at 22; Employer's Exhibit 7.

Employer also argues the ALJ erred by failing to resolve the conflict in the record regarding the length of the Miner's smoking history. Employer's Brief at 9-12. However, consistent with the ALJ's finding that the Miner had at least a 35.5 pack-year smoking history, Decision and Order at 16, Dr. Selby relied on at least a 37 pack-year smoking history, Employer's Exhibit 3 at 8, and Dr. Ranavaya relied on a 40 pack-year history, Employer's Exhibit 7 at 9. More importantly, the ALJ did not discredit their opinions based on their reliance on those smoking histories, but rather for the permissible reasons we have affirmed above. *See* Decision and Order at 17-22. Consequently, Employer fails to adequately explain why its alleged error requires remand. *See Shinseki v. Sanders*, 556 U.S. 396, 413 (2009) (appellant must explain how the "error to which [it] points could have made any difference").

We consider Employer's arguments on legal pneumoconiosis to be a request to reweigh the evidence, which we are not permitted to do. *Anderson v. Valley Camp of Utah, Inc.*, 12 BLR 1-111, 1-113 (1989). Therefore, we affirm the ALJ's finding that Employer failed to disprove legal pneumoconiosis. 20 C.F.R. §718.305(d)(1)(i)(A); Decision and Order at 22.

Disability Causation

To disprove disability causation, Employer must establish "no part of the miner's respiratory or pulmonary total disability was caused by pneumoconiosis as defined in [20 C.F.R.] §718.201." 20 C.F.R. §718.305(d)(1)(ii). Because Drs. Selby and Ranavaya did not diagnose legal pneumoconiosis, contrary to the ALJ's finding that Employer did not disprove the disease, the ALJ permissibly found their opinions on disability causation entitled to little weight. *See Island Creek Ky. Mining v. Ramage*, 737 F.3d 1050, 1062 (6th Cir. 2013); *Hobet Mining, LLC v. Epling*, 783 F.3d 498, 504-05 (4th Cir. 2015); Decision and Order at 24. We therefore affirm the ALJ's conclusion that Employer failed to disprove disability causation. 20 C.F.R. §718.305(d)(1)(ii).

Commencement Date of Benefits

The date for the commencement of benefits is the month in which the Miner became totally disabled due to pneumoconiosis. 20 C.F.R. §725.503(b); *see Lykins v. Director,*

[13] Since the ALJ provided permissible reasons for his discrediting of the physicians' opinions, we need not address Employer's other objections in this regard. *See* Employer's Brief at 5-9.

OWCP, 12 BLR 1-181, 1-182 (1989). If the date is not ascertainable, benefits commence the month the claim was filed, unless credible evidence establishes the Miner was not totally disabled due to pneumoconiosis at any subsequent time. 20 C.F.R. §725.503(b); *see Edmiston v. F & R Coal Co.*, 14 BLR 1-65, 1-69 (1990); *Owens v. Jewell Smokeless Coal Corp.*, 14 BLR 1-47, 1-50 (1990). In a subsequent claim, benefits may not be paid for any period before the date on which the order denying the prior claim became final. 20 C.F.R. §725.309(c)(6). In this case, the Federal Records Center destroyed the record of the prior claim, and the date of its denial is unknown. *See* Director's Exhibit 39 at 1.

The ALJ found the November 5, 2015 pulmonary function study sufficiently reliable to support a finding of total disability. Decision and Order at 26. Further, the ALJ credited Dr. Majmudar's opinion that the Miner could not perform his usual coal mine work based on the FEV1 results of the January 19, 2021 pulmonary function study. *Id.* The ALJ found no credible evidence that the Miner was not totally disabled after the November 5, 2015 pulmonary function study. *Id.*

Employer argues the ALJ erred in awarding benefits from November 2015. Employer's Brief at 12-14. We are unpersuaded by Employer's argument.

Because the ALJ did not credit any evidence establishing that the Miner was not totally disabled due to pneumoconiosis after November 5, 2015, the ALJ permissibly awarded benefits from that date. 20 C.F.R. §725.503(b); *Lykins*, 12 BLR at 1-182; Decision and Order at 26. Although Employer points out the January 19, 2021 pulmonary function study yielded non-qualifying values, and thus it asserts substantial evidence does not support the ALJ's finding that "there is no credible evidence that [the Miner] was not totally disabled after November 5, 2015," we disagree. *See* Employer's Brief at 13. The ALJ credited Dr. Majmudar's opinion that despite being non-qualifying, these test values supported that the Miner was totally disabled. He thus permissibly determined, contrary to Employer's contention, that the January 19, 2021 test results were credible evidence of disability, rather than the contrary. Decision and Order at 26; Director's Exhibit 40. We thus affirm the ALJ's finding that Claimant's benefits commence as of November 2015 because it is supported by substantial evidence.[14] 20 C.F.R. §725.503(b); *Edmiston*, 14 BLR at 1-69; Decision and Order 25-26.

[14] Drs. Istanbouly and Chavda opined the Miner was totally disabled since November 5, 2015. Employer's Exhibit 4 at 42-43; Claimant's Exhibits 7 at 7; 10 at 4-5.

Accordingly, we affirm the ALJ's Decision and Order Awarding Benefits.

SO ORDERED.

DANIEL T. GRESH, Chief
Administrative Appeals Judge

JUDITH S. BOGGS
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge