U.S. Department of Labor

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

BRB No. 25-0043 BLA

KATHY SEARLS (o/b/o PAUL R. SEARLS) Claimant-Petitioner v. ADDINGTON, INCORPORATED and THE PITTSTON COMPANY Employer/Carrier-Respondent DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR Party-in-Interest	)	**NOT-PUBLISHED** DATE ISSUED: 12/08/2025 DECISION and ORDER

Appeal of the Decision and Order Denying Benefits of Patricia J. Daum, Administrative Law Judge, United States Department of Labor.

Heath M. Long and Matthew A. Gribler (Pawlowski, Bilonick, & Long), Ebensburg, Pennsylvania, for Claimant.

Ann B. Rembrandt (Jackson Kelly PLLC), Charleston, West Virginia, for Employer.

Before: GRESH, Chief Administrative Appeals Judge, JONES, Administrative Appeals Judge, and ULMER, Acting Administrative Appeals Judge.

PER CURIAM:

Claimant[1] appeals Administrative Law Judge (ALJ) Patricia J. Daum's Decision and Order Denying Benefits (2022-BLA-05126) rendered on a claim filed on August 26, 2020, pursuant to the Black Lung Benefits Act, as amended, 30 U.S.C. §§901-944 (2018) (Act).

The ALJ found Claimant failed to establish a totally disabling pulmonary or respiratory impairment. 20 C.F.R. §718.204(b)(2). Thus, she found Claimant did not invoke the presumption of total disability due to pneumoconiosis at Section 411(c)(4) of the Act,[2] 30 U.S.C. §921(c)(4) (2018), or establish entitlement under 20 C.F.R. Part 718. Consequently, she denied benefits.

On appeal, Claimant argues the ALJ erred in finding the Miner was not totally disabled. Employer responds in support of the denial of benefits. The Acting Director, Office of Workers' Compensation Programs, declined to file a response brief.

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

[1] Claimant is the widow of the Miner, who died on March 6, 2021, and is pursuing this claim on his behalf. Director's Exhibits 11, 32.

[2] Section 411(c)(4) of the Act 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.

The ALJ noted the Miner alleged 16.5 years of coal mine employment on his application for benefits. Decision and Order at 4 (citing Director's Exhibit 2 at 1). She also noted the district director determined the Miner worked seventeen years in coal mine employment, but that Employer disputed this determination. *Id.* (citing Director's Exhibit 47 at 1; Hearing Transcript at 26). Finding Claimant did not establish total disability, however, the ALJ declined to render a finding on the length of the Miner's coal mine employment, as this finding rendered moot the issue of whether Claimant could establish sufficient employment to invoke the Section 411(c)(4) presumption. *Id.*

accordance with applicable law.[3] 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 (1965).

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

To invoke the Section 411(c)(4) presumption, Claimant must establish the Miner had a totally disabling respiratory or pulmonary impairment. 20 C.F.R. §718.305(b)(1)(iii). 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 pulmonary function studies, arterial blood gas studies, 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 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 that Claimant failed to establish total disability by any method. Decision and Order at 22-23. On appeal, Claimant challenges only the ALJ's finding that the medical opinion evidence does not support a finding of total disability.[4] Claimant's Brief at 7-9.

Before weighing the medical opinion evidence, the ALJ addressed the exertional requirements of the Miner's usual coal mine work as a miner operator. Decision and Order at 4-5. Based on the Miner's Form CM-913, Description of Coal Mine Work, and Claimant's testimony, she found this work required medium physical exertion.[5] We affirm

[3] The Board will apply the law of the United States Court of Appeals for the Sixth Circuit because the Miner performed his last coal mine employment in Kentucky. *See Shupe v. Director, OWCP*, 12 BLR 1-200, 1-202 (1989) (en banc); Director's Exhibit 3.

[4] We affirm, as unchallenged on appeal, the ALJ's findings that Claimant failed to establish total disability based on the pulmonary function studies or arterial blood gas studies, and that the record does not contain evidence of pneumoconiosis and cor pulmonale with right-sided congestive heart failure. *See Skrack v. Island Creek Coal Co.*, 6 BLR 710, 1-711 (1983); Decision and Order at 22-23.

[5] The ALJ defined medium physical exertion as work requiring the "[e]xerti[on] of [twenty] to [fifty] pounds of force occasionally, and/or [ten] to [twenty] pounds of force frequently, and/or greater than negligible up to [ten] pounds of force constantly to move objects," and noted the physical demands of medium physical exertion are in excess of those for light physical exertion. Decision and Order at 5 n.7.

this finding as unchallenged on appeal. *Skrack v. Island Creek Coal Co.*, 6 BLR 1-710, 1-711 (1983).

The ALJ next considered the medical opinions of Dr. Feicht that the Miner was totally disabled and the opinions of Drs. Zaldivar and Spagnolo that he was not. Decision and Order at 24-25. She discredited Dr. Feicht's opinion as neither well-documented nor reasoned, whereas she found Drs. Zaldivar's and Spagnolo's opinions well-documented and reasoned. *Id.* Thus, crediting Drs. Zaldivar's and Spagnolo's opinions over Dr. Feicht's, she found the medical opinion evidence does not support a finding of total disability. *Id.* at 25.

Claimant argues the ALJ erred in discrediting Dr. Feicht's opinion. Claimant's Brief at 8-9. We disagree.

Dr. Feicht conducted the Department of Labor-sponsored complete pulmonary examination of the Miner on September 10, 2020. Director's Exhibit 15. He recounted the Miner's alleged symptoms and that the Miner stated he was able to climb only one flight of stairs and walk about fifty yards on level ground before having to stop. *Id.* at 4. Dr. Feicht also reported the pulmonary function study he performed was "normal," although "borderline consistent with restrictive lung disease, " and that the arterial blood gas study was "normal." *Id.* at 6. He opined the Miner was disabled "from a clinical perspective" and that, "given his current limitations of being only able to climb [one] flight of stairs or walk [fifty] yards without stopping," the Miner would not be able to perform his last coal mining job. *Id.* Dr. Feicht stated his assessment of total disability "is supported by [the] abnormal chest x-ray but certainly not by [the] resting . . . or exercise [arterial blood gas study] and[,] in fact[,] is not fully explained given that his [pulmonary function study] suggests a significant restrictive lung process[,] which would requir[e] further study to delineate its etiology." *Id.* at 7.

The ALJ permissibly discredited Dr. Feicht's opinion as not well-documented because his opinion referenced only the Miner's self-reported limitations in opining the Miner could climb only one flight of stairs and walk only fifty yards without stopping. *See Director, OWCP v. Rowe*, 710 F.2d 251, 255 (6th Cir. 1983); *McMath v. Director, OWCP*, 12 BLR 1-6, 1-10 (1988). Further, the ALJ permissibly discredited Dr. Feicht's opinion as unreasoned because the doctor failed to adequately explain his conclusion that the Miner was totally disabled when considering the objective testing, which he noted was "normal" or, at most, was "borderline consistent with restrictive lung disease."[6] *See Rowe*, 710 F.2d

[6] Because the ALJ provided valid reasons for discrediting Dr. Feicht's opinion, we need not address Claimant's remaining arguments regarding the weight accorded to his opinion. *See Kozele v. Rochester & Pittsburgh Coal Co.*, 6 BLR 1-378, 1-382 n.4 (1983);

at 255; *Fields v. Island Creek Coal Co.*, 10 BLR 1-19, 1-21-22 (1987) (reasoned opinion is one which the ALJ finds adequate to support the physician's conclusions).

Because the ALJ permissibly discredited Dr. Feicht's opinion, the only opinion supportive of Claimant's burden of proof, we affirm her finding that Claimant failed to establish the Miner was totally disabled based on the medical opinion evidence and the evidence weighed as a whole. 20 C.F.R. §718.204(b)(2); Decision and Order at 24-25. As Claimant failed to establish a necessary element of entitlement, we affirm the ALJ's denial 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).

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

SO ORDERED.

DANIEL T. GRESH, Chief
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge

GLENN E. ULMER
Acting Administrative Appeals Judge

Claimant's Brief at 8-9. We thus further decline to address Claimant's contentions regarding the weight accorded to Drs. Zaldivar's and Spagnolo's opinions that the Miner was not totally disabled, as they do not assist Claimant in her burden to establish total disability. *See Larioni v. Director, OWCP*, 6 BLR 1-1276, 1-1278 (1984); Claimant's Brief at 9.