U.S. Department of Labor

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

BRB No. 24-0453 BLA

ROBERT L. WARD Claimant-Petitioner v. U.S. STEEL MINING COMPANY, ALABAMA, LLC and UNITED STATES STEEL CORPORATION Employer/Carrier-Respondents DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR Party-in-Interest	)	**NOT-PUBLISHED** DATE ISSUED: 09/12/2025 DECISION and ORDER

Appeal of the Decision and Order Denying Benefits of Sean M. Ramaley, Administrative Law Judge, United States Department of Labor.

Leonard Stayton, Inez, Kentucky, for Claimant.

Jennifer L. Horan (Jackson Kelly PLLC), Lexington, Kentucky, for Employer.

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

PER CURIAM:

Claimant appeals Administrative Law Judge (ALJ) Sean M. Ramaley's Decision and Order Denying Benefits (2022-BLA-05465) rendered on a subsequent claim filed on February 18, 2021, pursuant to the Black Lung Benefits Act, as amended, 30 U.S.C. §§901-944 (2018) (Act).[1]

The ALJ credited Claimant with sixteen years of underground coal mine employment and found he did not establish complicated pneumoconiosis; therefore, the ALJ found he did not invoke the irrebuttable presumption of total disability due to pneumoconiosis. 30 U.S.C. §921(c)(3); 20 C.F.R. §718.304. He further found Claimant failed to establish a totally disabling respiratory or pulmonary impairment, 20 C.F.R. §718.204(b)(2), and therefore did not invoke the presumption of total disability due to pneumoconiosis at Section 411(c)(4) of the Act, 30 U.S.C. §921(c)(4) (2018), or establish a change in an applicable condition of entitlement, 20 C.F.R. §725.309(c).[2] Because Claimant failed to establish total disability, an essential element of entitlement under 20 C.F.R. Part 718, the ALJ denied benefits.

On appeal, Claimant argues the ALJ erred in finding he failed to establish total disability.[3] Employer responds in support of the denial of benefits. The Acting Director, Office of Workers' Compensation Programs, has not filed a response brief.

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[1] This is Claimant's second claim for benefits. Employer's Exhibit 13. On June 8, 2017, the district director denied Claimant's prior claim, filed on November 8, 2016, for failure to establish any element of entitlement. *Id.* at 15.

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); *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 must submit new evidence establishing any element of entitlement to obtain review of the claim on the merits. *See* 20 C.F.R. §725.309(c)(3); *White*, 23 BLR at 1-3.

[2] 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.

[3] We affirm, as unchallenged, the ALJ's finding that Claimant has sixteen years of qualifying coal mine employment and failed to establish complicated pneumoconiosis. *See*

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.[4] 33 U.S.C. §921(b)(3), as incorporated into the Act by 30 U.S.C. §932(a); *O'Keeffe v. Smith, Hinchman & Grylls Assocs., Inc.*, 380 U.S. 359, 361-62 (1965).

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

To invoke the Section 411(c)(4) presumption, 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 work.[5] 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 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 did not establish total disability based on any category of evidence.[6] 20 C.F.R. §718.204(b)(2)(i)-(iv); Decision and Order at 22-25.

Skrack v. Island Creek Coal Co., 6 BLR 1-710, 1-711 (1983); Decision and Order at 7-8, 28.

[4] 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 West Virginia. *See Shupe v. Director, OWCP*, 12 BLR 1-200, 1-202 (1989) (en banc); Hearing Tr. at 15; Director's Exhibit 3.

[5] The ALJ found Claimant's usual coal mine employment was working as a belt man, which required moderate to heavy labor. Decision and Order at 7-8. As this finding is unchallenged, we affirm it. *See Skrack*, 6 BLR at 1-711.

[6] We affirm, as unchallenged, the ALJ's findings that the pulmonary function and arterial blood gas studies do not support a finding of total disability, and that there is no evidence of cor pulmonale with right-sided congestive heart failure. 20 C.F.R. §718.204(b)(2)(i)-(iii); *see Skrack*, 6 BLR at 1-711; Decision and Order at 22-24.

Medical Opinion Evidence

The ALJ considered the opinions of Drs. Werntz and Ranavaya. Decision and Order at 24-25. Dr. Werntz opined Claimant is totally disabled based on the abnormalities demonstrated on his pulmonary function and blood gas studies and the exertional requirements of his usual coal mine employment. Director's Exhibit 11 at 5-6; Claimant's Exhibit 7 at 18-23, 29-33. Dr. Ranavaya opined Claimant is not totally disabled because his objective test results are non-qualifying and any abnormalities are caused by his obesity and "numerous chronic illnesses." Employer's Exhibits 4 at 14-15, 11 at 27-35. The ALJ found both Dr. Werntz's and Dr. Ranavaya's opinions are adequately reasoned but gave greater weight to Dr. Ranavaya's opinion due to his superior qualifications. Decision and Order at 24-25. He thus found the opinions weighed together do not support a finding of total disability. *Id.*

Claimant argues the ALJ erred in finding Dr. Ranavaya's opinion credibly establishes Claimant is not totally disabled. Claimant's Brief at 11, 13-14. We agree.

Dr. Ranavaya opined Claimant's blood gas study demonstrated "mild fluctuation in the exercise PO2" and Claimant had to stop exercise due to shortness of breath and fatigue, and he concluded Claimant's morbid obesity and deconditioning were the "most obvious" reason. Employer's Exhibits 4 at 14, 11 at 30-31. He discussed Dr. Werntz's opinion that Claimant's blood gas study demonstrates total disability and disagreed with Dr. Werntz's assessment that the impairment is related to coal mine dust exposure; however, he did not disagree with Dr. Werntz's opinion Claimant has a disabling respiratory impairment. Employer's Exhibit 11 at 29-35. Dr. Ranavaya further opined Claimant is totally disabled due to his obesity, diabetes, and peripheral vascular disease, and that those conditions were causing the respiratory impairment seen on his blood gas study results. *Id.* at 30-35.

The ALJ found Dr. Ranavaya opined there is "no pulmonary or respiratory impairment," and while he relied on an inaccurate work history, the error was "insufficient to invalidate" his opinion. Decision and Order at 24. Given Dr. Ranavaya's opinion that Claimant has a disabling respiratory impairment, the ALJ's finding is not supported by substantial evidence. *See Mingo Logan Coal Co. v. Owens*, 724 F.3d 550, 557 (4th Cir. 2013) (substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion).

Moreover, the proper inquiry at 20 C.F.R. §718.204(b)(2) is whether Claimant has a totally disabling respiratory or pulmonary impairment, while the cause of that impairment is addressed at 20 C.F.R. §§718.202(a)(4), 718.204(c), or in consideration of rebuttal of the Section 411(c)(4) presumption pursuant to 20 C.F.R. §718.305(d). *See Island Creek Coal Co. v. Blankenship*, 123 F.4th 684, 691-92 (4th Cir. 2024); *Bosco v. Twin Pines Coal Co.*, 892 F.2d 1473, 1480-81 (10th Cir. 1989). Thus, to the extent the ALJ found Dr.

Ranavaya's explanation that the fluctuation in Claimant's exercise pO2 result is caused by his "weight and constitution" establishes he does not have a disabling respiratory impairment, the ALJ erroneously conflated the issues of disability and causation. Decision and Order at 24; *see Blankenship*, 123 F.4th at 691-92; *Bosco*, 892 F.2d at 1480-81; 20 C.F.R. §718.204(a).

Additionally, we agree with Claimant's argument that the ALJ erred in giving Dr. Ranavaya's opinion greater weight than Dr. Werntz's opinion due to superior qualifications. Claimant's Brief at 8-10.

While the ALJ summarized the credentials of Drs. Werntz and Ranavaya, he summarily found Dr. Ranavaya is better qualified than Dr. Werntz "[b]ased on the credentials set forth above." Decision and Order at 12, 14, 24. Because the ALJ did not adequately explain how he reached this conclusion, his finding does not satisfy the Administrative Procedure Act (APA).[7] 5 U.S.C. §557(c)(3)(A), as incorporated into the Act by 30 U.S.C. §932(a); *see Sea "B" Mining Co. v. Addison*, 831 F.3d 244, 256-57 (4th Cir. 2016); *Wojtowicz v. Duquesne Light Co.*, 12 BLR 1-162, 1-165 (1989).

Given these errors, we vacate the ALJ's findings that Claimant failed to establish total disability based on the medical opinion evidence at 20 C.F.R. §718.204(b)(2)(iv) and the evidence as a whole. 20 C.F.R. §718.204(b)(2); *Rafferty*, 9 BLR at 1-232; Decision and Order at 25. We therefore vacate the ALJ's finding that Claimant failed to invoke the Section 411(c)(4) presumption and the denial of benefits. Decision and Order at 29.

Remand Instructions

On remand, the ALJ must reconsider whether the medical opinion evidence supports a finding of total disability. 20 C.F.R. §718.204(b)(2)(iv). In assessing the probative weight to which the medical opinions are entitled, the ALJ must consider the physicians' qualifications, the documentation underlying their medical judgments, all relevant portions of their opinions, and the sophistication of and bases for their conclusions. *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). He must also explain his findings in accordance with the APA. *See Wojtowicz*, 12 BLR at 1-165.

If the ALJ determines the medical opinion evidence supports a finding of total disability at 20 C.F.R. §718.204(b)(2)(iv), he must then weigh all the relevant evidence

[7] The Administrative Procedure Act requires that every adjudicatory decision 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).

together to determine if Claimant has established a totally disabling respiratory or pulmonary impairment. *See* 20 C.F.R. §718.204(b)(2); *Rafferty*, 9 BLR at 1-232; *Shedlock*, 9 BLR at 1-198.

If Claimant establishes total disability, he will have established a change in an applicable condition of entitlement, 20 C.F.R. §725.309(c), and will have invoked the Section 411(c)(4) presumption, 20 C.F.R. §718.305(b). The ALJ must then determine whether Employer rebutted the presumption. 20 C.F.R. §718.305(d).

If Claimant fails to establish total disability, an essential element of entitlement, the ALJ may reinstate the denial of benefits. *See Trent v. Director, OWCP*, 11 BLR 1-26, 1-27 (1987); *Perry v. Director OWCP*, 9 BLR 1-1, 1-2 (1986) (en banc).

Accordingly, we affirm in part and vacate in part the ALJ's Decision and Order Denying Benefits and remand the case to the ALJ for further consideration consistent with this opinion.

SO ORDERED.

DANIEL T. GRESH, Chief
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge

GLENN E. ULMER
Acting Administrative Appeals Judge