U.S. Department of Labor

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

BRB No. 22-0544

ANDRA SMITH	)	
	)	
Claimant-Petitioner	)	
	)	
v.	)	
	)	
VIRGINIA INTERNATIONAL TERMINALS, LLC	)	
	)	
and	)	
	)	
SIGNAL MUTUAL INDEMNITY ASSOCIATION, LTD c/o SAGE ADJUSTING COMPANY	)	DATE ISSUED: 04/09/2024
	)	
Employer/Carrier-Respondents	)	DECISION and ORDER

Appeal of the Decision and Order Denying Benefits of Paul C. Johnson, Jr., Administrative Law Judge, United States Department of Labor.

Gregory E. Camden (Montagna Klein Camden, LLP), Norfolk, Virginia, for Claimant.

Lawrence P. Postol (Postol Law Firm, P.C.), McLean, Virginia, for Employer/Carrier.

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

PER CURIAM:

Claimant appeals Administrative Law Judge (ALJ) Paul C. Johnson Jr.'s Decision and Order Denying Benefits (2020-LHC-00686) rendered on a claim filed pursuant to the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C. §§901-950 (Act). We must affirm the administrative law judge's findings of fact and conclusions of law if they are rational, supported by substantial evidence, and in accordance with law. 33 U.S.C. §921(b)(3); *O'Keeffe v. Smith, Hinchman & Grylls Associates, Inc*., 380 U.S. 359 (1965).

Claimant alleges he suffered a left meniscus tear while working as a landbridge operator for Employer on September 4, 2019. The injury occurred when he was walking on a six-inch wide plane on a train, lost his balance, slipped and fell, but was able to catch his balance by placing all of his weight on his left leg.[1] Hearing Transcript (Tr.) at 26; Employer's Exhibits (EXs) 21; 22 at 2; 24. He stated he immediately felt pain in his left knee and lower back and went to the emergency room; he was discharged with instructions to follow up with an orthopedic surgeon.[2] EXs 21; 22 at 2. On September 9, 2019, Claimant sought treatment from Dr. Arthur Wardell, who diagnosed an unspecified internal derangement and sprain of the left knee, and an aggravated lumbar sprain. Claimant's Exhibits (CXs) 3 at 7; 10 at 1-2. After reviewing the September 23, 2019 magnetic resonance imaging (MRI) scan, Dr. Wardell diagnosed a left knee medial meniscus tear

[1] This case arises within the jurisdiction of the United States Court of Appeals for the Fourth Circuit because Claimant's injury occurred in Norfolk, Virginia. 33 U.S.C. §921(c); *see Roberts v. Custom Ship Interiors*, 300 F.3d 510 (4th Cir. 2002), *cert. denied*, 537 U.S. 1188 (2003); 20 C.F.R. §702.201(a).

[2] Claimant has a long medical history pre-dating the 2019 injury. It includes a 1997 back injury while working for the U.S. Postal Service. Following surgery and recovery, his physician rated him with a 22% permanent impairment to his back. EX 4. He was also involved in a motor vehicle accident in 2014, suffering back and ankle pain as a result. EX 34. Additionally, on April 24, 2017, Claimant injured his knees and back when he slipped and fell while exiting a translifter; he hit his knees on the ground and his back on the stairs. Tr. at 23-25; Claimant's Exhibit (CX) 1. On August 14, 2017, Dr. Sheldon Cohn performed arthroscopic surgery on his right knee to remove a piece of torn meniscus and smooth out areas of arthritis. Claimant returned to full work duty on January 19, 2018. Tr. at 24-25; EX 51 at 9.

caused by the September 4, 2019 incident, advised Claimant to begin physical therapy, and determined he was unable to work.[3] EX 28; CXs 3 at 12; 6-9; 10 at 6; 15 at 8.

Employer thereafter sent Claimant to see Drs. Bryan Fox, Louis Levitt, and Sheldon Cohn. On November 4, 2019, Dr. Fox did not detect any difference between Claimant's left knee MRI taken after the accident on September 23, 2019, and the MRI taken on October 17, 2017, prior to the accident. He stated Claimant has "chronic degenerative changes" that were temporarily exacerbated by the September 2019 accident, but he did not suffer "any new or acute changes in the medial meniscus." EX 31 at 3-4. He found Claimant's date of maximum medical improvement (MMI) was December 5, 2019, and imposed restrictions,[4] but upon "[a]n extensive review of the job description," opined Claimant is capable of returning to duty as a landbridge operator. *Id*. at 4-5; EX 52 at 10-11.

On March 16, 2020, Dr. Levitt noted Claimant had a meniscal tear, advancing degenerative joint disease, and preexisting arthritis unrelated to the September 2019 incident. He believed, however, Claimant suffered temporary work-related exacerbations to his knee and back, but opined Claimant reached MMI and has the capacity to return to work full duty.[5] EXs 32 at 2; 53 at 16, 18-19.

On July 29, 2020, Dr. Cohn diagnosed Claimant with pre-existing and advancing degenerative joint disease, degenerative osteoarthritis, and "most likely" a degenerative meniscus tear but that Claimant's left knee "is the same as it was in 2017." EXs 44 at 2-3; 51 at 17-18. Further, he stated the "mechanism of injury" during the September 2019 accident "does not really reflect one that would injure his meniscus" and the symptoms he is currently experiencing are due to his degenerative condition. EX 44 at 2-3. He restricted Claimant from climbing ladders, kneeling, crawling, and squatting, which he attributed to

[3] Dr. Wardell opined, "I feel that it is unreasonable to conclude that Mr. Smith's symptoms are from degeneration, but only began after a traumatic event." CX 8 at 1-2.

[4] Dr. Fox stated he would impose restrictions on Claimant of no lifting in excess of twenty-five pounds, no prolonged walking in excess of two hours per day, and no repetitive climbing of ladders. EX 31 at 5.

[5] Dr. Levitt opined, "[t]he pathology identified in the 2019 MRI scan to the left knee was well established two years earlier and I do not see any additional disease state that can be attributed exclusively to the injury of 9/4/19." EX 32 at 2. He further indicated, "this is a degenerative story that's told by the radiologist. Fraying is degeneration. Fraying is not coming from an acute event. Fraying is a description of long-term wear and tear." EX 53 at 33.

osteoarthritis of his knees and not the work injury, and opined Claimant's condition reached MMI in November 2019. *Id.*

Employer voluntarily paid temporary total disability benefits from September 5, 2019, through September 29, 2020, authorized conservative medical treatment with Dr. Wardell, denied Dr. Wardell's request for authorization to perform a left knee arthroscopy with partial meniscectomy, and controverted the claim. CXs 3, 5. Claimant seeks temporary total disability compensation beyond September 30, 2020, and authorization for knee surgery.[6] CX 4.

The ALJ found Claimant suffered an aggravation to his lumbar spine, a left knee sprain, and a tear of his left medial meniscus. He also found an accident occurred when Claimant was at work on September 4, 2019, that could have caused those injuries, thereby establishing a prima facie case of causation. D&O at 21. Having invoked the Section 20(a) presumption, 33 U.S.C. §920(a), linking Claimant's injuries to his work, the ALJ then found the reports and testimony of Drs. Fox, Levitt, and Cohn, who all opined Claimant did not tear his left meniscus as a consequence of the September 4, 2019 work accident, rebutted the presumption that Claimant's left meniscus tear is work-related. *Id.* at 22. He found, however, Employer failed to rebut the work-relatedness of the left knee sprain and lumbar spine aggravation, as the doctors agreed Claimant suffered, at the very least, a temporary exacerbation of his preexisting left knee and back conditions. *Id.*; *see also* EXs 31 at 3; 32 at 2; 51 at 22-23; 52 at 18, 23.

When weighing the evidence as a whole regarding Claimant's left meniscus injury, the ALJ found the 2017 and 2019 MRI scans of Claimant's left knee are probative and weigh in favor of finding he tore his medial meniscus sometime between October 2017 and September 2019. EXs 12; 28; CXs 3, 6; D&O at 23. The ALJ found Dr. Wardell's interpretation of the MRI evidence as reflecting the existence of a tear is well-documented and well-reasoned, but the physician failed to adequately connect the MRI findings with the actual facts of the September 4, 2019 incident, which made his opinion on the cause of the tear poorly reasoned and entitled to little weight. D&O at 24-25, 28.

In contrast, the ALJ found the opinions of Drs. Cohn and Fox, that Claimant's ongoing symptoms are due to degeneration, well-reasoned and documented, and weigh against a finding that Claimant's torn meniscus of his left knee is related to the 2019 work incident or otherwise arose out of and in the course of his employment. *Id.* at 25-26; EXs 31 at 3; 44 at 2-3; 51 at 15. The ALJ determined Dr. Levitt's opinion, that Claimant has a degenerative process not impacted by contemporary trauma, does not persuasively

[6] Claimant returned to his usual work for Employer on February 27, 2021. EX 63.

demonstrate Claimant did not tear or further damage his already fraying meniscus. EXs 53 at 33; 60; D&O at 27.

Based on the record, the ALJ found Claimant did not persuasively connect his left knee meniscus tear with his September 4, 2019 work accident. D&O at 27-28. He therefore concluded Claimant did not establish by a preponderance of the evidence that his left knee meniscus tear is work-related. *Id.* Consequently, he denied Claimant's request for compensable medical treatment, including surgery, to treat the left meniscus injury. *Id.*

Addressing Claimant's entitlement to disability benefits, the ALJ found Claimant did not establish he was disabled at any point between September 30, 2020, and February 26, 2021. *Id.* at 33. In reaching this conclusion, he credited the opinions of Drs. Fox and Cohn that Claimant could perform his usual work as early as November 2019 and July 2020, respectively, over Dr. Wardell's opinion that Claimant was not capable of returning to his usual work until February 22, 2021. *Id.* at 31-33. The ALJ therefore found Claimant did not establish his prima facie case of total disability after September 30, 2020, and, accordingly, denied Claimant's claim for additional temporary total disability benefits. *Id.*

On appeal, Claimant challenges the ALJ's finding that his left meniscus tear is not work-related, as well as the denial of total disability benefits from September 30, 2020, to February 26, 2021. Employer responds, urging affirmance of the ALJ's decision.

Claimant first argues the ALJ erred in finding Employer rebutted the Section 20(a) presumption in regard to his left medial meniscus tear. In determining whether an injury is work-related, a claimant is aided by the Section 20(a) presumption, which is invoked after he presents some evidence or allegation that he suffered a harm and conditions existed, or an accident occurred, at his place of employment, which could have caused the harm. *See Ceres Marine Terminals, Inc. v. Director, OWCP* [*Jackson*], 848 F.3d 115, 121 (4th Cir. 2016); *Universal Mar. Corp. v. Moore*, 126 F.3d 256, 262 (4th Cir. 1997); *Rose v. Vectrus Systems Corp.*, 56 BRBS 27 (2022) (Decision on Recon. en banc), *appeal dismissed* (M.D. Fla. Aug. 24, 2023); *Bolden v. G.A.T.X. Terminals Corp.*, 30 BRBS 71 (1996).

Once the Section 20(a) presumption is invoked, as here, the burden shifts to the employer to produce substantial evidence that the claimant's condition was not caused or aggravated by his employment. *Newport News Shipbuilding & Dock Co. v. Holiday*, 591 F.3d 219 (4th Cir. 2009); *Moore*, 126 F.3d at 262; *O'Kelley v. Dep't of the Army/NAF*, 34 BRBS 39 (2000). The employer's burden on rebuttal is one of production, not persuasion. *Id.*; *Rose*, 56 BRBS at 35; *Suarez v. Serv. Employees Int'l, Inc.*, 50 BRBS 33 (2016); *see also Int'l-Matex Tank Terminals v. Director, OWCP*, 943 F.3d 278 (5th Cir. 2019). An employer meets its burden by submitting "such relevant evidence as a reasonable mind

might accept as adequate" to support a finding that the claimant does not have a work-related injury. *See, e.g., Rainey v. Director, OWCP*, 517 F.3d 632, 637 (2d Cir. 2008). In addition, it is well settled that a medical opinion of non-causation rendered to a reasonable degree of medical certainty is sufficient to rebut the presumption. *See O'Kelley*, 34 BRBS at 41-42.

In this case, the ALJ rationally concluded Employer rebutted the presumption that Claimant's meniscus tear is work-related with the opinions of Drs. Fox, Levitt, and Cohn.[7] D&O at 22. All three physicians opined that the September 4, 2019 work incident did not tear his meniscus and his ongoing symptoms are due to pre-existing degeneration. EXs 31 at 2; 32 at 1-2; 44 at 2-3; 51 at 9, 17-19; 52 at 10-11; 53 at 13, 18-20, 33-34. As these opinions constitute substantial evidence that Claimant did not tear his left meniscus as a consequence of the September 2019 accident, we reject Claimant's contention that Employer did not rebut the Section 20(a) presumption. *Id.*; *see Holiday*, 591 F.3d 219; *Moore*, 126 F.3d at 262; *Rose*, 56 BRBS at 35; *Suarez*, 50 BRBS 33; *O'Kelley*, 34 BRBS at 41-42; Cl's Br. at 7.[8]

Claimant next asserts the ALJ improperly rejected Dr. Wardell's opinion when weighing the evidence as a whole. In addition, he argues the ALJ failed to identify the working conditions that could have caused his injury and placed an undue focus on minor discrepancies in Dr. Wardell's opinion instead of viewing it in light of the nature of the incident and the working conditions that could have caused the injury.

Claimant's argument amounts to a request that the Board reweigh the evidence, which we are not permitted to do. *See Pittman Mechanical Contractors, Inc. v. Director, OWCP* [*Simonds*], 35 F.3d 122 (4th Cir. 1994); *see also Sea-Land Services, Inc., v. Director, OWCP* [*Ceasar*], 949 F.3d 921 (5th Cir. 2020); *Miffleton v. Briggs Ice Cream Co.*, 12 BRBS 445 (1980), *aff'd*, 659 F.2d 252 (D.C. Cir. 1981) (table). As the factfinder,

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[7] The ALJ found Employer did not produce substantial evidence to rebut the presumption that Claimant's work aggravated his preexisting lumbar spine condition and left knee sprain. D&O at 22.

[8] Because Employer did not rebut the presumption as it applies to Claimant's left knee and back sprains, they are work-related injuries as a matter of law. *See Obadiaru v. ITT Corp.*, 45 BRBS 17 (2011); *Obert v. John T. Clark & Son of Maryland*, 23 BRBS 157 (1990). Claimant's post-hearing brief, but not the ALJ's decision, indicates the parties stipulated Employer has paid medical benefits. As the knee and back sprains are work-related, D&O at 22, Claimant is entitled to reasonable and necessary medical expenses to treat these injuries. 33 U.S.C. §907.

the ALJ is entitled to evaluate the credibility of all witnesses, including physicians, weigh the medical evidence, and draw his own inferences and conclusions from the record. *Newport News Shipbuilding & Dry Dock Co. v. Cherry*, 326 F.3d 449 (4th Cir. 2003); *Cooper v. Offshore Pipelines Int'l, Inc.*, 33 BRBS 46 (1999). The Board may not substitute its own views for those of the ALJ. *Newport News Shipbuilding & Dry Dock Co. v. Director, OWCP* [*Brickhouse*], 315 F.3d 286 (4th Cir. 2002). Nor may the Board interfere with the ALJ's credibility determinations unless they are inherently incredible or patently unreasonable. *Newport News Shipbuilding & Dry Dock Co. v. Tann*, 841 F.2d 540, 543 (4th Cir.1988); *see also John W. McGrath Corp. v. Hughes*, 289 F.2d 403 (2d Cir. 1961).

Contrary to Claimant's contentions, the ALJ rationally weighed the evidence and explained his conclusions. He thoroughly reviewed Dr. Wardell's opinion to find the doctor did not adequately explain how Claimant's September 2019 accident directly or indirectly caused further damage to his left meniscus or connect the objective findings from the MRI scan to Claimant's injury. D&O at 24, 28.

While Claimant asserts Dr. Wardell did more than simply recite Claimant's job description as a landbridge operator, the ALJ acted within his discretion in finding Dr. Wardell "never had a strong grasp" of Claimant's accident.[9] *Id.* at 24, 26. The ALJ pointed to the fact that Dr. Wardell generally described the injury as occurring when Claimant "fell from a landbridge" or "lost his balance, landing on his left knee," while Claimant stated he slipped and fell but ultimately caught his balance by placing his weight on his left leg which, in turn, caused pain in his left knee. *Id.*; Tr. at 26. Thus, the ALJ acted within his discretion in finding this factor undermines Dr. Wardell's opinion on the work-relatedness of Claimant's meniscus tear. *See generally Cherry*, 326 F.3d at 453; *Tann*, 841 F.2d at 543; *Cooper*, 33 BRBS at 51. Moreover, the ALJ permissibly found that although Dr. Wardell credibly diagnosed a meniscus tear on MRI, he did not adequately explain why that tear was caused by the September 2019 work accident. *Id.*

In addition, the ALJ acted within his discretion in accepting Drs. Fox's and Cohen's explanation that Claimant's current knee condition is unrelated to his September 2019 work accident. As the ALJ observed, Dr. Fox described Claimant's injury as "low-energy" and his "misstep" from the landbridge would not have caused anything more than a temporary aggravation of his preexisting degeneration. EX 31 at 3. Similarly, the ALJ accurately observed that Dr. Cohn opined the mechanism of Claimant's injury was inconsistent with

[9] Dr. Fox indicated Claimant took a misstep off a landbridge and fell to the ground, sustaining a low-energy injury. EX 31 at 2. Dr. Cohn indicated Claimant missed a step and fell from one level of the train car to another, which did not cause an acute injury to his meniscus. EXs 44 at 1-2; 51 at 13; 56 at 2.

one that would cause a meniscus tear, which typically would require "twisting with force" such as from "cutting sharply to one side or the other," "falling from a great height," or "arising from a squatting position, twisting your knee." EXs 44 at 2; 51 at 21.

The ALJ, in turn, found nothing in the record suggesting Claimant twisted, rose from a squat, cut sharply to one side or the other, or fell from a considerable height. D&O at 26. The ALJ determined Dr. Cohn's explanation that the mechanism of Claimant's injury was inconsistent with one that would cause a torn meniscus weighed against a finding that Claimant's injury arose out of and in the course of his employment. *Id.* at 25-26. Consequently, the ALJ accorded more weight to Dr. Fox's and Dr. Cohn's opinions and very little weight to Dr. Wardell's. *Id.*

Substantial evidence, credited by the ALJ, supports his conclusion that Claimant did not establish a work-related left medial meniscus tear. *See Jackson*, 848 F.3d at 121; *Hough v. Vimas Painting Co., Inc.*, 45 BRBS 9 (2011). The ALJ discussed and weighed all the relevant evidence on the cause of Claimant's left medial meniscus injury based on the record as a whole, and his decision to credit the opinions of Drs. Fox and Cohn over that of Dr. Wardell is not inherently incredible or patently unreasonable, and is supported by substantial evidence.[10] *Cherry*, 326 F.3d at 453; *Brickhouse*, 315 F.3d at 296; *Tann*, 841 F.2d at 543; *Pisaturo v. Logistec, Inc.*, 49 BRBS 77 (2015). We therefore affirm the ALJ's conclusion that Claimant did not prove the work-relatedness of his left meniscus tear by a preponderance of the evidence. *See Jackson*, 848 F.3d at 121; *Simonds*, 35 F.3d at 127. Accordingly, we affirm the ALJ's finding that Claimant's left meniscus tear is not work-related and his finding that Claimant is not entitled to medical benefits relating to the left meniscus tear, including the surgical procedure Dr. Wardell recommended.

Next, Claimant contends the ALJ improperly determined he can return to his usual longshore employment. Claimant asserts the ALJ ignored the opinions of Drs. Fox and

[10] Dr. Fox opined there was no difference between the October 2017 and September 2019 MRI scans in regard to tears in the meniscus, degenerative changes, acute injuries, or ligament tears. EX 52 at 10-11. On July 29, 2020, Dr. Cohn noted that Claimant's left knee is the same as it was in 2017, and he might have a degenerative meniscus tear but not a meniscus tear caused by trauma. EXs 44 at 2-3; 51 at 17-18.

Cohn, which he contends support Dr. Wardell's total disability diagnosis, and therefore should have found him entitled to temporary total disability benefits.[11]

The employee bears the burden of establishing the nature and extent of disability. *Gacki v. Sea-Land Serv., Inc.*, 33 BRBS 127 (1998); *Trask v. Lockheed Shipbuilding & Constr. Co.*, 17 BRBS 56 (1980). To determine whether a claimant has shown he is totally disabled, an ALJ must compare his medical restrictions with the specific physical requirements of his usual employment. *Curit v. Bath Iron Works Corp.*, 22 BRBS 100 (1988); *Carroll v. Hanover Bridge Marina*, 17 BRBS 176 (1985). An ALJ may find an employee able to do his usual work despite his complaints of pain, numbness, and weakness, when a physician finds no functional impairment. *Peterson v. Washington Metro. Area Transit Auth.*, 13 RRBS 891 (1981).

We reject Claimant's contentions because the ALJ discussed all aspects of the medical opinions and reasonably weighed them. D&O at 31-33. In this regard, the ALJ considered the opinions of Drs. Wardell, Cohn, Fox, and Levitt as to the physical requirements of Claimant's landbridge job,[12] and concluded, based on the well-documented and well-reasoned opinions of Drs. Cohn and Fox,[13] that Claimant has not established he was disabled between September 30, 2020, and February 26, 2021. *Id.* at 31-33. He reasonably accorded little probative weight to Dr. Wardell's opinion because he found it rests on Claimant's less than credible subjective complaints of pain, and it is internally inconsistent.[14] *Id.*; *Cherry*, 326 F.3d at 453; *Brickhouse*, 315 F.3d at 296.

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[11] Because the ALJ found Claimant's left knee sprain and the aggravation of his lumbar spine were work-related, he analyzed whether Claimant is entitled to temporary total disability benefits beyond September 30, 2020. D&O at 29.

[12] The ALJ noted the landbridge job involves constantly sitting (seven hours), occasionally lifting one to fifteen pounds (two hours), occasionally reaching below shoulder level, walking, standing, simple grasping (two hours), and seldomly pushing/pulling, reaching above shoulder level, bending/twisting, crouching/stooping/squatting, and firm grasping (less than one hour). D&O at 29 (citing EX 54); Tr. at 29-30.

[13] Dr. Levitt reviewed Claimant's medical records and concluded he has the capacity to fully return to work without restrictions. The ALJ, however, accorded little probative weight to Dr. Levitt's opinion because he reviewed only the medical records and did not examine Claimant himself. D&O at 33.

[14] The ALJ found that although Dr. Wardell first indicated Claimant could not perform his work duties with a torn meniscus, he later approved Claimant's full return to

In contrast, the ALJ rationally found Dr. Cohn's disability determination supports a finding that Claimant was physically capable of performing his usual longshore employment as early as June 2020. *Id.* Specifically, the ALJ found Dr. Cohn's opinion that Claimant is capable of performing his landbridge operator job because it does not involve heavy lifting or a significant amount of squatting, crawling, or climbing, EXs 44 at 3; 51 at 18, aligns with the landbridge operator job description. D&O at 29 (citing EX 54), 32; *see generally Cherry*, 326 F.3d at 453; *Simonds*, 35 F.3d 122; *Curit*, 22 BRBS 100; *Carroll*, 17 BRBS 176; EX 52 at 20. Similarly, the ALJ reasonably determined Dr. Fox's opinion that Claimant is capable of returning to work with restrictions against lifting more than twenty-five pounds, prolonged walking in excess of two hours per day, and repetitive climbing of ladders,[15] EXs 31 at 4-5; 52 at 20-21, indicates Claimant could return to work as early as November 2019 because the physical requirements of the job fell within the restrictions. *See generally Cherry*, 326 F.3d at 453.

Consequently, we reject Claimant's argument that the ALJ erred in evaluating the relevant disability evidence. We affirm, as supported by substantial evidence, the ALJ's credibility determinations, his finding that Claimant was not disabled at any point between September 30, 2020, and February 26, 2021, and the denial of additional disability benefits. *See Jackson*, 848 F.3d at 121; *Hough*, 45 BRBS 9.

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work even though nothing had changed with his meniscus. D&O at 31; EXs 61, 62; CXs 2, 3, 10, 15.

[15] The ALJ found Dr. Fox explained the restrictions were "based on subjective complaints of difficulty walking for prolonged distances," which were supported by objective evidence of degenerative changes in Claimant's back and knee. D&O at 16 (citing EX 52 at 20). He further found Dr. Fox opined the walking restriction is "not something that would be dangerous" and it was "put into place only for comfort reasons." *Id.*

Accordingly, we modify the ALJ's decision to reflect Claimant's entitlement to reasonable and necessary medical benefits for his left knee sprain and back sprain.[16] In all other respects, we affirm the ALJ's Decision and Order Denying Benefits.

SO ORDERED.

DANIEL T. GRESH, Chief
Administrative Appeals Judge

GREG J. BUZZARD
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge

[16] The left knee sprain does not include a torn meniscus; therefore, authorization for a left knee arthroscopy with partial meniscectomy is not included in the award of medical benefits. In addition, regarding Claimant's compensable back sprain, we note the ALJ specified that Claimant requests medical benefits for his work-related back condition. Decision and Order at 28, n.11; *see* Claimant's Post-Hearing Brief at 16-17. The ALJ determined the record does not present any disputes of fact about the reasonableness or necessity of any requested treatment for this work-related back injury and the issue was not raised prior to the submission of closing briefs. *Id.* Thus, the ALJ reasonably concluded that the district director will be responsible for supervising Claimant's medical treatment. *Id.*