



BRB No. 24-0211

MAUREEN KARUNGI )  
 )  
 Claimant-Petitioner )  
 )  
 v. )  
 )  
 CONSTELLIS GROUP/TRIPLE CANOPY, )  
 INCORPORATED )  
 )  
 and )  
 )  
 CONTINENTAL INSURANCE COMPANY )  
 )  
 Employer/Carrier- )  
 Respondents )

**NOT-PUBLISHED**

DATE ISSUED: 02/06/2026

DECISION and ORDER

Appeal of the Decision and Order on the Record of Christine Hilleren-Wilkins, Administrative Law Judge, United States Department of Labor.

Andrew Nyombi (KNA Pearl), Silver Spring, Maryland, for Claimant.

Krystal L. Layher (Markovich Grover PLLC), Houston, Texas, for Employer and its Carrier.<sup>1</sup>

Before: ROLFE, JONES, and ULMER, Administrative Appeals Judges.

---

<sup>1</sup> Employer’s counsel initially filed its brief when she was with the law firm Brown Sims, P.C. Employer’s Br. at 22. On March 24, 2025, she notified the Benefits Review Board that she continues to represent Employer but now works for Markovich Grover, PLLC. Notice of Change of Representative’s Business or Contact Info. at 1-2.

PER CURIAM:

Claimant appeals Administrative Law Judge (ALJ) Christine Hilleren-Wilkins’s Decision and Order on the Record (2021-LDA-03029) rendered on a claim filed pursuant to the Longshore and Harbor Workers’ Compensation Act, as amended, 33 U.S.C. §§901-950 (Act), as extended by the Defense Base Act, 42 U.S.C. §§1651-1655 (DBA). We must affirm the ALJ’s Decision and Order if it is rational, supported by substantial evidence, and in accordance with applicable law.<sup>2</sup> 33 U.S.C. §921(b)(3); *O’Keeffe v. Smith, Hinchman & Grylls Assocs., Inc.*, 380 U.S. 359, 361-62 (1965).

Claimant allegedly sustained psychological injuries working for Employer as an armed security guard in Iraq from 2009 to 2011. The ALJ found Claimant invoked the Section 20(a) presumption of compensability, 33 U.S.C. §920(a), and Employer rebutted it. Weighing the evidence, the ALJ found Claimant failed to establish a work-related psychological injury and denied benefits. Decision and Order (D&O) at 24.

On appeal, Claimant contends the ALJ erred in finding Employer and its Carrier (Employer) rebutted the presumption and in weighing the evidence as a whole. Employer responds, urging affirmance.

**Section 20(a)**

**Rebuttal**

Once a claimant invokes the Section 20(a) presumption linking her injuries to her work, the burden shifts to the employer to rebut it with substantial evidence that the claimant’s condition was not caused or aggravated by her employment. *Rainey v. Director, OWCP*, 517 F.3d 632, 634 (2d Cir. 2008); *Am. Stevedoring, Ltd. v. Marinelli*, 248 F.3d 54, 65 (2d Cir. 2001); *O’Kelley v. Dep’t of the Army/NAF*, 34 BRBS 39, 41 (2000). The inquiry at rebuttal is whether the employer submitted “such relevant evidence as a reasonable mind might accept as adequate” to support a finding that the claimant’s injury is not work-related. *Rainey*, 517 F.3d at 637. The employer’s burden on rebuttal is one of production, not persuasion. *Rose v. Vectrus Sys. Corp.*, 56 BRBS 27, 32 (2022) (Decision on Recon. en banc), *appeal dismissed* (M.D. Fla. Aug. 24, 2023); *Suarez v. Serv. Emps. Int’l, Inc.*, 50 BRBS 33, 36 n.4 (2016); *Cline v. Huntington Ingalls, Inc.*, 48 BRBS 5, 7 (2013). A

---

<sup>2</sup> This case arises within the jurisdiction of the United States Court of Appeals for the Second Circuit because the office of the district director who filed the ALJ’s decision is located in New York. 33 U.S.C. §921(c); *Glob. Linguist Sols., LLC v. Abdelmeged*, 913 F.3d 921, 922 (9th Cir. 2019); *see also McDonald v. Aecom Tech. Corp.*, 45 BRBS 45, 47 (2011).

physician's unequivocal opinion, rendered to a reasonable degree of medical certainty, that no relationship exists between the alleged injury and the claimant's employment is sufficient to rebut the presumption. *See Suarez*, 50 BRBS at 36; *Cline*, 48 BRBS at 7.

Employer relies on Dr. Trica Peterson's opinion to rebut the presumption. Dr. Peterson interviewed Claimant, reviewed her treatment records, and administered psychological testing.<sup>3</sup> Hearing Exhibit (HX) 13 at 1-13. She opined Claimant received "significantly invalid scores" on the psychological examinations and those scores likely represented a "volitional effort to simulate impairment." *Id.* at 10-11. Dr. Peterson diagnosed "no mental health condition" as "[t]esting and inconsistent responding in the interview strongly indicate[d] that [Claimant's] self-reporting of symptoms is not credible." *Id.* at 11. Consequently, she concluded "there is no psychological condition preventing [Claimant] from working full time in whatever position for which she is qualified in Uganda or overseas." *Id.* at 12. The ALJ found Dr. Peterson's opinion sufficient to rebut the presumption because she explained how Claimant's objective testing results showed she does not satisfy the criteria for a psychological diagnosis or one causally related to her work for Employer. D&O at 8.

Claimant asserts the ALJ erred in finding Employer rebutted the presumption. Claimant's Br. at 19-24. We disagree. Because Dr. Peterson's opinion directly contradicts the presumption that Claimant has a psychological injury that is related to her employment and is the kind of evidence "a reasonable mind might accept as adequate" to support that conclusion in Employer's favor, the ALJ accurately found it constitutes substantial evidence that is legally sufficient to rebut the presumption; therefore, we affirm it. *Rainey*, 517 F.3d at 637; *see Suarez*, 50 BRBS at 36; *Cline*, 48 BRBS at 6-7; *O'Kelley*, 34 BRBS at 41-42; D&O at 8. Claimant's assertion that Dr. Peterson's opinion is flawed and speculative goes to its weight, which is not an appropriate consideration at the rebuttal stage of the Section 20(a) analysis because Employer's burden at this stage is one of production, not persuasion. *See Rainey*, 517 F.3d at 637; *Rose*, 56 BRBS at 32.

---

<sup>3</sup> Dr. Peterson is a board-certified forensic psychologist. HX 13 at 13. She performed the Test of Memory Malinger and the Morel Emotional Numbing Test for PTSD. *Id.* at 10. Although Dr. Peterson acknowledged no psychological tests have been developed specifically for Ugandan citizens, she stated reporting of "atypical and bizarre symptoms" in symptom validity tests has similar significance to Western and non-Western experts. *Id.* at 9.

## Weighing the Evidence

Because Employer successfully rebutted the presumption, the issue of causation must be resolved on the evidence of the record as a whole with the claimant bearing the burden of persuasion by a preponderance of the evidence. *Director, OWCP v. Greenwich Collieries [Ondecko]*, 512 U.S. 267, 271 (1994); *Rainey*, 517 F.3d at 634; *Santoro v. Maher Terminals, Inc.*, 30 BRBS 171, 174 (1996); *Rose*, 56 BRBS at 39. When weighing the evidence as a whole, the ALJ is entitled to evaluate the credibility of all witnesses, weigh the medical evidence, and draw her own inferences and conclusions from the record. *Pietrunti v. Director, OWCP*, 119 F.3d 1035, 1042 (2d Cir. 1997). Moreover, the ALJ is not bound to accept the opinion or theory of any particular medical examiner. *Walker v. Rothschild Int'l Stevedoring Co.*, 526 F.2d 1137, 1140-1141 (9th Cir. 1975); *Perini Corp. v. Heyde*, 306 F. Supp. 1321, 1325 (D.R.I. 1969). The Benefits Review Board may not reweigh the evidence or substitute its opinion for that of the ALJ even if the evidence could support other inferences or conclusions. *See Sealand Terminals, Inc. v. Gasparic*, 7 F.3d 321, 323 (2d Cir. 1993); *Volpe v. Ne. Marine Terminals*, 671 F.2d 697, 700 (2d Cir. 1982).

The ALJ considered Claimant's testimony and the medical opinions of Psychiatric Clinical Officers (PCOs) Alezuyo Florence and Mubangizi Geoffrey, Senior PCO (SPCO) Biribonwa Grace, and Dr. Peterson.<sup>4</sup> D&O at 12-24. Claimant's providers diagnosed Claimant with post-traumatic stress disorder (PTSD) and depression, while Dr. Peterson opined Claimant does not have a psychological condition. HXs 1, 7, 8, 13.

The ALJ first discredited Claimant's testimony as it is internally inconsistent. D&O 12-15. She then gave little weight to the opinions of PCOs Florence and Geoffrey and SPCO Grace as they relied on Claimant's self-reports. *Id.* at 16-20. In contrast, she found Dr. Peterson's opinion reasoned and documented. *Id.* at 20-23. Nevertheless, she found the evidence evenly balanced and concluded Claimant failed to establish by a preponderance of the evidence that she has a work-related psychological condition. *Id.* at 24. Claimant challenges the ALJ's discrediting of her testimony and weighing of the medical opinions. Claimant's Br. at 12-38.

Claimant testified she was stationed near an incoming blast that killed several people. HX 1 at 82-83. She said she did not see any casualties, but she helped take survivors back to the base. *Id.* She also said she heard gunshots, bombs, and explosions

---

<sup>4</sup> The ALJ noted PCOs and SPCOs diagnose, treat, manage, and refer patients with mental illnesses, but there is no evidence equating these qualifications to those of a physician. D&O at 16 nn.119, 138. Thus, she declined to address these providers as doctors but did not discredit their opinions on this basis. *Id.*

and saw dead and injured bodies. *Id.* at 91-98. She testified she began experiencing symptoms of nightmares and fatigue while in Iraq in 2011. *Id.* at 36. However, she also testified she sought treatment for those symptoms in 2009 but then stated she began experiencing those symptoms when she returned to Uganda in 2011. *Id.* at 46, 50, 53-57. Claimant stated she continues to experience fear, forgetfulness, anxiety, anger, flashbacks, and nightmares despite taking medication. *Id.* at 10-11, 14-15.

In assessing Claimant's credibility, the ALJ noted Claimant testified her symptoms improved under the care of PCO Florence and SPCO Grace but also noted the treatment records showed "unimproved" subjective reports of symptoms. D&O at 15; HXs 1 at 68-69, 7 at 9. Further, the ALJ observed Claimant reported to Dr. Peterson that she experienced multiple other significant events that she did not previously mention in her testimony such as witnessing a guard shoot off his finger while cocking his gun and an "incoming" strike on the location she had recently passed in her vehicle. D&O at 13; HX 13 at 4-5. In addition, the ALJ noted Claimant reported different and "more elaborate" symptoms to SPCO Grace than she did with PCO Florence such as aggression resulting in fights, strong negative thoughts associated with beliefs that the world is dangerous and uninhabitable, and social withdrawal. D&O at 15; HXs 7 at 3-13, 8 at 1-2. Therefore, contrary to Claimant's contentions, the ALJ permissibly found her testimony not reliable because she provided inconsistent accounts of her symptoms, treatment, limitations, and experiences. *See Cordero v. Triple A Mach. Shop*, 580 F.2d 1331, 1335 (9th Cir. 1978), *cert. denied*, 440 U.S. 911 (1979); *John W. McGrath Corp. v. Hughes*, 289 F.2d 403 (2d Cir. 1961); *Pietrunti*, 119 F.3d at 1042; *Ceres Gulf, Inc. v. Director, OWCP [Plaisance]*, 683 F.3d 225, 229 (5th Cir. 2012) (substantial evidence is that which a reasonable mind could accept to support a conclusion); D&O at 15-16; Claimant's Br. at 12-19.

Looking to the medical evidence, we initially reject Claimant's contention that the ALJ erred in not assigning "significant weight" to the opinions of her treating providers. Claimant's Br. at 26-33. When there is conflicting medical evidence, the ALJ is not required to give special weight to a treating physician's opinion. *Kkunsa v. Constellis Grp./Triple Canopy, Inc.*, 59 BRBS 1, 4 (2025). Instead, the ALJ must consider all relevant evidence, assess the weight and credibility of each opinion, and explain her rationale for reaching a decision based on the evidence in the record. *Id.* at 4-5. Because the record contains conflicting reports from three providers addressing whether Claimant has a work-related psychological injury, the ALJ was obligated to review and weigh the evidence. *See Pietrunti*, 119 F.3d at 1042; *Kkunsa*, 59 BRBS at 5. The ALJ permissibly did so and refrained from baldly deferring to the opinions of Claimant's treating physicians. *See Kkunsa*, 59 BRBS at 5; D&O at 15-24.

Next, we address the ALJ's weighing of the medical opinions. The ALJ acknowledged PCO Florence treated Claimant from 2019 until 2021, and noted Claimant's

symptoms of poor sleep with insomnia, nightmares, excessive fear, irritability, and low mood. HX 7 at 1. Based on these symptoms, she diagnosed Claimant with PTSD, insomnia, and depression caused by her work for Employer. *Id.* at 1-4. Subsequently, she stated Claimant had improvement with medication and there was no longer a “major problem” apart from her irritability and loss of libido. *Id.* at 3-4. In 2021, PCO Florence transferred Claimant to PCO Geoffrey, who continued to record Claimant’s symptoms and refill her medication, but he did not render an opinion on the cause of Claimant’s PTSD or depression.<sup>5</sup> D&O at 17; HX 7 at 5-13.

On September 21, 2021, SPCO Grace examined Claimant and noted her symptoms of restlessness, lack of energy and appetite, fear, anger, and guilt. HX 8 at 2. She conducted a Patient Health Questionnaire-9, which revealed Claimant has severe depression, and a PTSD Checklist-5, which indicated Claimant “has been bothered by the problem.” *Id.* at 2-3. She diagnosed Claimant with PTSD and depression. *Id.* at 2.

The ALJ found that despite diagnosing PTSD and depression, PCO Florence documented no clinical psychological testing, mental status examination, or other objective diagnostic testing to support Claimant’s reported symptoms. D&O at 17. The ALJ also found PCO Geoffrey’s notes contained Claimant’s subjective reports and medication regimen but were “devoid of any accompanying objective findings.” *Id.* In addition, the ALJ acknowledged SPCO Grace referenced two measures to confirm her diagnosis but found she did not adequately explain what those tests are, how they are administered, whether they use objective observation measures, or how the scoring supported her conclusions. *Id.* at 19. As the ALJ has the authority to weigh the evidence, accepting any medical opinion in whole or in part, and to draw reasonable inferences therefrom, the ALJ permissibly gave “limited weight” to the opinions of PCOs Florence and Geoffrey and “partial weight” to SPCO Grace’s opinion because they relied heavily on Claimant’s unreliable subjective complaints. *See Pietrunti*, 119 F.3d at 1042; *Gasparic*, 7 F.3d at 323; *Volpe*, 671 F.2d at 700; D&O at 24; Claimant’s Br. at 25-30.

On June 7, 2022, Dr. Peterson examined Claimant at Employer’s request. HX 13. In addition to her opinion that Claimant’s psychological evaluation results show she is simulating symptoms, Dr. Peterson explained Claimant provided evasive answers during the interview and claimed to be unable to recall several pieces of information, including the date, her date of birth, and her age. *Id.* at 9. She opined Claimant’s self-reported

---

<sup>5</sup> The ALJ noted the signatures on these records are illegible but found PCOs Florence and Geoffrey signed the reports based on Claimant’s deposition testimony that she saw PCO Florence in 2019 and PCO Geoffrey in 2021. D&O at 16 n.120; HX 1 at 64-69.

symptoms are not credible because memory problems with PTSD are associated with traumatic events and not a generalized forgetfulness on how to do math or one's date of birth and age. *Id.* at 11. She also opined Claimant's repeated vague responses, followed by visible irritation and raised voice when asked for specific details suggested "a lack of genuineness." *Id.* She concluded Claimant does not have PTSD or any other mental health condition. *Id.* at 11-13.

The ALJ recognized Dr. Peterson's credentials, qualifications, and experience in the field of psychology. D&O at 21. She also noted Dr. Peterson conducted a four-hour interview with Claimant, performed objective mental status examinations, and reviewed Claimant's treatment record. *Id.* The ALJ found Dr. Peterson's opinion is supported by the objective testing she performed because she explained Claimant's results on the Test of Memory Malinger and the Morel Emotional Numbing Test for PTSD showed invalid performance and because of "significantly invalid scores" on those tests no other testing was conducted. *Id.* at 21-22. In addition, the ALJ found Dr. Peterson assessed the potential for exaggeration and adequately explained why Claimant's reported symptoms are not reliable. *Id.* at 21-22. However, the ALJ acknowledged Dr. Peterson used video to evaluate Claimant, relied on an interpreter, and used testing not "normed" to the Ugandan population. *Id.* at 23-24. For these reasons, the ALJ permissibly gave Dr. Peterson's opinion "partial weight." *See Pietrunti*, 119 F.3d at 1042; *Gasparic*, 7 F.3d at 323; D&O at 23.

Comparing the medical reports, the ALJ determined Claimant failed to establish a compensable work-related injury by a preponderance of the evidence. *See Ondecko*, 512 U.S. at 271; *Santoro*, 30 BRBS at 174; *Volpe*, 671 F.2d at 700; D&O at 24; Claimant's Br. at 30-33. Claimant's arguments regarding weighing the evidence as a whole amount to a request for the Board to reweigh the evidence, which we are not empowered to do. *See Gasparic*, 7 F.3d at 323; *Volpe*, 671 F.2d at 700; Claimant's Br. at 12-33. Because the

ALJ's weighing of the evidence and credibility determinations are supported by substantial evidence, we affirm the ALJ's finding that Claimant failed to establish a compensable injury and the denial of benefits.<sup>6</sup> *See Plaisance*, 683 F.3d at 229; D&O at 24.

Accordingly, we affirm the ALJ's Decision and Order on the Record.

SO ORDERED.

JONATHAN ROLFE  
Administrative Appeals Judge

MELISSA LIN JONES  
Administrative Appeals Judge

GLENN E. ULMER  
Administrative Appeals Judge

---

<sup>6</sup> Because Claimant failed to establish a compensable injury, we decline, as did the ALJ, to address her remaining contentions. D&O at 24; Claimant's Br. at 33-38.