

U.S. Department of Labor

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



BRB No. 24-0388

ROBERT KALYOWA)
)
 Claimant-Petitioner)
)
 v.)
)
 SOC, LLC)
)
 and)
)
 CONTINENTAL INSURANCE COMPANY)
 c/o CNA)
)
 Employer/Carrier-)
 Respondents)

NOT-PUBLISHED

DATE ISSUED: 05/28/2026

DECISION and ORDER

Appeal of the Decision and Order Denying Benefits of Jonathan C. Calianos, Administrative Law Judge, United States Department of Labor.

Robert Kalyowa, Kampala, Uganda.

Edwin B. Barnes, Javier A. Valencia, and Christian J. Berchild (Thomas Quinn, LLP), San Francisco, California.

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

PER CURIAM:

Claimant, without representation, appeals Administrative Law Judge (ALJ) Jonathan C. Calianos’s Decision and Order Denying Benefits (2022-LDA-02131) 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 findings of fact and conclusions of law if they are rational, supported by substantial evidence, and in accordance with applicable law.¹ 33 U.S.C. §921(b)(3); *O’Keeffe v. Smith, Hinchman & Grylls Associates, Inc.*, 380 U.S. 359 (1965).

Claimant worked for Employer in Iraq from September 2008 to December 2010. Joint Exhibit (JX) 4 at 6. On May 20, 2020, he filed a claim under the DBA seeking disability compensation and medical treatment for his alleged “PTSD/psychological injury.” JX 1. Employer controverted the claim. JX 2.

After the matter was referred to the Office of Administrative Law Judges, the parties opted for a decision and order based on the written record.² 20 C.F.R. §702.345; 29 C.F.R. §18.21(b). On May 6, 2024, the ALJ held a hearing to render his findings of fact and conclusions of law from the bench. Hearing Transcript at 4, 8. He found Claimant invoked the Section 20(a) presumption, 33 U.S.C. §920(a), and Employer rebutted the presumption. Upon weighing the evidence, he found Claimant failed to establish by a preponderance of the evidence a work-related psychological injury. On June 6, 2024, he issued a written Decision and Order Denying Benefits (D&O), adopting and incorporating his findings of fact and conclusions of law stated on the record during the hearing. He appended the bench decision transcript to his D&O.

On appeal, Claimant generally challenges the ALJ’s decision denying his claim for benefits. Employer responds, urging affirmance of the ALJ’s denial of benefits.

As the Benefits Review Board held in *Zawedde v. SOC, L.L.C.*, 59 BRBS 59 (2025), the Act’s statutory and regulatory framework requires ALJs to prepare written decisions and orders that provide the law and evidence relied upon with sufficient detail to allow for meaningful appellate review. *Zawedde*, 59 BRBS at 60. Consequently, “written decisions and orders that simply adopt bench transcripts, like the one at issue in this case, are inherently insufficient in that task, regardless of the detail of the transcript.” *Id.* For the

¹ 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 handled this claim is located in New York. 33 U.S.C. §921(c); *Glob. Linguist Sols., L.L.C. v. Abdelmeged*, 913 F.3d 921, 922 (9th Cir. 2019); *Hice v. Director, OWCP*, 156 F.3d 214, 218 (D.C. Cir. 1998) (“The location of . . . the district director[] who handled [the] claim determines the proper court to hear [the] appeal.”); Referral Letter (Sep. 17, 2024).

² The case was initially assigned to ALJ Noran J. Camp and was later reassigned to ALJ Calianos due to ALJ Camp’s retirement. See Omnibus Notice of Case Reassignment (ALJ Mar. 6, 2024); Hearing Transcript at 3.

reasons set forth in *Zawedde*, we are unable to address the merits of Claimant's appeal because the ALJ's D&O is insufficient on its face to enable meaningful review. We therefore remand the case to the ALJ for a fully developed, written Decision and Order that complies with the Administrative Procedure Act, the Act and its implementing regulations, the Office of Administrative Law Judges' Rules of Practice and Procedure, and our holding in *Zawedde*. 5 U.S.C. §557(c)(3)(A); 33 U.S.C. §919(d); 20 C.F.R. §702.348; 29 C.F.R. §18.92.

Accordingly, we vacate the ALJ's Decision and Order Denying Benefits and remand the case for further explanation in a fully developed written decision and order.

SO ORDERED.

DANIEL T. GRESH, Chief
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge

GLENN E. ULMER
Administrative Appeals Judge