

**PART II**  
**DEFINITIONS**

**M. BENEFITS**

**DIGESTS**

The D.C. Circuit held that the revised regulation at 20 C.F.R. §725.101(a)(6) is not “impermissibly retroactive,” and, therefore, may be applied to all claims pending on January 19, 2001. ***Nat’l Mining Ass’n v. Department of Labor***, 292 F.3d 849, 865-866, 23 BLR 1-24 (D.C. Cir. 2002), *aff’g in part and rev’g in part Nat’l Mining Ass’n v. Chao*, 160 F.Supp.2d 47 (D.D.C. 2001).

The D.C. Circuit held that the revised regulation at Section 725.101(a)(6), which expands the definition of benefits to include any expenses related to the medical examination and testing authorized by the district director pursuant to Section 725.406, is valid as the Longshore Act, 33 U.S.C. §907(e), expressly authorizes the Secretary of Labor to charge the cost of examination to the employer. ***Nat’l Mining Ass’n v. Department of Labor***, 292 F.3d 849, 875, 23 BLR 1-24 (D.C. Cir. 2002), *aff’g in part and rev’g in part Nat’l Mining Ass’n v. Chao*, 160 F.Supp.2d 47 (D.D.C. 2001).

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