

BRB No. 10-0538 BLA

MARY E. FOSTER)	
(Widow of ROBERT E. FOSTER))	
)	
Claimant-Respondent)	
)	
v.)	DATE ISSUED: 05/17/2011
)	
PEERLESS EAGLE COAL COMPANY)	
)	
Employer-Petitioner)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Party-in-Interest)	DECISION and ORDER

Appeal of the Decision and Order on Remand—Awarding Benefits of Richard A. Morgan, Administrative Law Judge, United States Department of Labor.

John Cline, Piney View, West Virginia, for claimant.

Ann B. Rembrandt (Jackson Kelly PLLC), Charleston, West Virginia, for employer.

Rita Roppolo (M. Patricia Smith, Solicitor of Labor; Rae Ellen James, Associate Solicitor; Michael J. Rutledge, Counsel for Administrative Litigation and Legal Advice), Washington, D.C., for the Director, Office of Workers' Compensation Programs, United States Department of Labor.

Before: DOLDER, Chief Administrative Appeals Judge, SMITH and HALL, Administrative Appeals Judges.

PER CURIAM:

Employer appeals the Decision and Order on Remand—Awarding Benefits (07-BLA-5644) of Administrative Law Judge Richard A. Morgan rendered on a claim filed pursuant to the provisions of the Black Lung Benefits Act, 30 U.S.C. §§901-944 (2006),

amended by Pub. L. No. 111-148, §1556, 124 Stat. 119 (2010) (to be codified at 30 U.S.C. §§921(c)(4) and 932(l)).¹ This case, involving a survivor’s claim filed on August 11, 2006, is before the Board for the second time. In the initial decision, the administrative law judge credited the miner with at least thirteen years of coal mine employment,² and found that the autopsy and medical opinion evidence established the existence of clinical pneumoconiosis, arising out of coal mine employment, pursuant to 20 C.F.R. §§718.202(a)(2), (4), 718.203(b). However, the administrative law judge found that the evidence did not establish that the miner’s death was due to pneumoconiosis, pursuant to 20 C.F.R. §718.205(c). Accordingly, the administrative law judge denied benefits.

Pursuant to claimant’s appeal,³ the Board affirmed, as unchallenged, the administrative law judge’s finding that claimant established the existence of clinical pneumoconiosis, at Section 718.202(a), but vacated his finding that the evidence did not establish that the miner’s death was due to clinical pneumoconiosis pursuant to Section 718.205(c). *M.F. [Foster] v. Peerless Eagle Coal Co.*, BRB No. 09-0260 BLA (Sept. 21, 2009)(unpub.), slip op. at 5, 8. The Board further held that the administrative law judge failed to fully consider whether the evidence established the existence of legal pneumoconiosis,⁴ pursuant to Section 718.202(a), and if so, whether the miner’s death was hastened by legal pneumoconiosis, pursuant to Section 718.205(c). *Foster*, BRB No. 09-0260 BLA, slip op. at 5. Thus, the Board remanded the case to the administrative law judge to address whether the autopsy and medical opinion evidence establishes the

¹ Section 1556 of Public Law No. 111-148 amended the Act with respect to the entitlement criteria for certain claims. The administrative law judge properly found that the recent amendments to the Act, which became effective on March 23, 2010, do not apply to this claim. *See* Order Denying Request to Hold Case in Abeyance dated March 29, 2010.

² The record reflects that the miner’s coal mine employment was in West Virginia. Director’s Exhibit 4. Accordingly, this case arises within the jurisdiction of the United States Court of Appeals for the Fourth Circuit. *See Shupe v. Director, OWCP*, 12 BLR 1-200, 1-202 (1989) (*en banc*).

³ Claimant is the surviving spouse of the deceased miner, who died on March 29, 2006. Director’s Exhibit 8.

⁴ Legal pneumoconiosis “includes any chronic lung disease or impairment and its sequelae arising out of coal mine employment.” 20 C.F.R. §718.201(a)(2). This definition encompasses any chronic respiratory or pulmonary disease or impairment “significantly related to, or substantially aggravated by, dust exposure in coal mine employment.” 20 C.F.R. §718.201(b).

existence of legal pneumoconiosis, pursuant to Section 718.202(a)(2), (4); whether legal pneumoconiosis hastened the miner's death, pursuant to Section 718.205(c); and, if necessary, to separately address whether the evidence establishes that the miner's death was due to, or hastened by, clinical pneumoconiosis, pursuant to Section 718.205(c). *Foster*, BRB No. 09-0260 BLA, slip op. at 5.

On remand, the administrative law judge found that the evidence established the existence of legal pneumoconiosis, in the form of chronic obstructive pulmonary disease (COPD), arising, in part, out of coal mine dust exposure, pursuant to Section 718.202(a). The administrative law judge further found that the miner's death was due to legal pneumoconiosis, pursuant to Section 718.205(c).⁵ Accordingly, the administrative law judge awarded benefits.

On appeal, employer contends that the administrative law judge erred in finding that the medical opinion evidence established the existence of legal pneumoconiosis, pursuant to Section 718.202(a)(4). Employer also argues that the administrative law judge erred in finding that the evidence established that the miner's death was due to legal pneumoconiosis, pursuant to Section 718.205(c).⁶ Claimant responds in support of the administrative law judge's award of benefits. The Director, Office of Workers' Compensation Programs, has filed a response brief, in support of the administrative law judge's award of benefits.

The Board's scope of review is defined by statute. The administrative law judge's Decision and Order must be affirmed if it is rational, supported by substantial evidence, and in accordance with applicable law. 33 U.S.C. §921(b)(3), as incorporated by 30 U.S.C. §932(a); *O'Keeffe v. Smith, Hinchman & Grylls Associates, Inc.*, 380 U.S. 359 (1965).

Because this survivor's claim was filed after January 1, 1982, claimant must establish that the miner had pneumoconiosis arising out of coal mine employment and that his death was due to pneumoconiosis.⁷ See 20 C.F.R. §§718.1, 718.202, 718.203,

⁵ The administrative law judge found that the miner's clinical pneumoconiosis did not contribute to his death, pursuant to 20 C.F.R. §718.205(c). Decision and Order on Remand at 12.

⁶ The administrative law judge's findings that claimant established at least thirteen years of coal mine employment, but did not establish that the miner's death was due to clinical pneumoconiosis pursuant to 20 C.F.R. §718.205(c) are unchallenged. Thus, those findings are affirmed. See *Skrack v. Island Creek Coal Co.*, 6 BLR 1-710, 1-711 (1983).

⁷ Section 718.205(c) provides that death will be considered to be due to

718.205(c); *Neeley v. Director, OWCP*, 11 BLR 1-85 (1988). Where pneumoconiosis is not the cause of death, a miner's death will be considered to be due to pneumoconiosis if the evidence establishes that pneumoconiosis was a substantially contributing cause or factor leading to the miner's death. 20 C.F.R. §718.205(c)(2). Pneumoconiosis is a "substantially contributing cause" of a miner's death if it hastens the miner's death. 20 C.F.R. §718.205(c)(5); *Shuff v. Cedar Coal Co.*, 967 F.2d 977, 16 BLR 2-90 (4th Cir. 1992).

Legal Pneumoconiosis – 20 C.F.R. §718.202(a)(4)

Employer argues that, in finding that claimant established the existence of legal pneumoconiosis, pursuant to Section 718.202(a)(4), the administrative law judge erred in crediting the opinion of Dr. Green,⁸ that the miner's COPD was due in part to coal mine dust exposure, and discrediting the opinions of Drs. Rosenberg,⁹ Oesterling,¹⁰ and Bush,¹¹

pneumoconiosis if any of the following criteria is met:

- (1) Where competent medical evidence establishes that pneumoconiosis was the cause of the miner's death, or
- (2) Where pneumoconiosis was a substantially contributing cause or factor leading to the miner's death or where the death was caused by complications of pneumoconiosis, or
- (3) Where the presumption set forth at §718.304 is applicable.
- (4) However, survivors are not eligible for benefits where the miner's death was caused by a traumatic injury or the principal cause of death was a medical condition not related to pneumoconiosis, unless the evidence establishes that pneumoconiosis was a substantially contributing cause of death.
- (5) Pneumoconiosis is a "substantially contributing cause" of a miner's death if it hastens the miner's death.

20 C.F.R. §718.205(c).

⁸ Dr. Green diagnosed chronic obstructive pulmonary disease (COPD), encompassing chronic bronchitis and focal, centrilobular, and panlobular emphysema, due to both coal mine dust exposure and cigarette smoking. Claimant's Exhibit 1.

⁹ Dr. Rosenberg opined that the miner's COPD was comprised of chronic bronchitis, and focal, centrilobular, panlobular, and bullous emphysema, all entirely due to smoking. Employer's Exhibits 4, 5.

who attributed the miner's COPD entirely to smoking.¹² Employer's Brief at 10-16. We disagree.

Initially, we reject employer's assertion that the administrative law judge erred in crediting the opinion of Dr. Green. Employer's Brief at 16-17. Contrary to employer's argument, the administrative law judge explained that, in crediting Dr. Green's opinion, he had initially considered the respective credentials of Drs. Green,¹³ Rosenberg, Oesterling, and Bush,¹⁴ as set forth in the curriculum vitae of each physician, and

¹⁰ Dr. Oesterling diagnosed chronic bronchitis, focal emphysema, and panlobular emphysema progressing to bullous emphysema, all due to smoking. Employer's Exhibits 1, 3.

¹¹ Dr. Bush diagnosed chronic bronchitis, focal emphysema, and centrilobular emphysema, due to smoking. Employer's Exhibit 2.

¹² The administrative law judge found that Drs. Wantz, Shank, and Jelic did not clearly address the cause of the miner's COPD. Decision and Order on Remand at 4, 8; Director's Exhibits 8-10. Employer raises no specific arguments with respect to their opinions.

¹³ As noted in the administrative law judge's decision on remand, and in the Board's previous decision, Dr. Green is Board-certified in Anatomic Pathology, is a Professor of Pathology, and is (1) a co-author of the *Contribution of Dust Exposure and Cigarette Smoking to Emphysema Severity in Coal Miners in the United States* and the *Pathology Standards for Coal Workers' Pneumoconiosis*; (2) a co-author of the chapter on "Occupational Lung Disease" in *Pathology of the Lung*; (3) the author or co-author of chapters in twenty-two other medical textbooks and 136 peer-reviewed manuscripts; (4) the former Chief of the Pathology Section at the National Institute for Occupational Safety and Health; and (5) a consultant/group member assigned to revise the federal regulations for the National Coal Workers' Autopsy Program. Decision and Order on Remand at 4; *see also M.F. [Foster] v. Peerless Eagle Coal Co.*, BRB No. 09-0260 BLA (Sept. 21, 2009)(unpub.), slip op. at 7 n.12.

¹⁴ The administrative law judge noted that Dr. Rosenberg is Board-certified in Internal Medicine, Pulmonary Disease, and Occupational Medicine, has been treating patients exposed to coal mine dust for thirty years, holds a Master's Degree in Public Health and Occupational Medicine, and is the Medical Director for Corporate Health at the University Hospitals of Cleveland, practicing in Pulmonary Disease and Occupational Medicine. Decision and Order on Remand at 6.

The administrative law judge observed that Dr. Oesterling is Board-certified in Anatomical and Clinical Pathology, and in Nuclear Medicine, that he has autopsied

concluded that Dr. Green possessed the highest qualifications. See *Milburn Colliery Co. v. Hicks*, 138 F.3d 524, 532-33, 21 BLR 2-323, 2-336 (4th Cir. 1998); *Sterling Smokeless Coal Co. v. Akers*, 131 F.3d 438, 441, 21 BLR 2-269, 2-275-76 (4th Cir. 1997); *Clark v. Karst-Robbins Coal Co.*, 12 BLR 1-149, 1-155 (1989)(*en banc*); Decision and Order on Remand at 4-6, 8; Claimant's Exhibit 1.

Further, the administrative law judge acted within his discretion in crediting Dr. Green's opinion, that the miner's chronic bronchitis and emphysema were due, in part, to coal mine dust exposure, as more consistent with the scientific premises underlying the regulations¹⁵ than the opinions of Drs. Rosenberg, Oesterling, and Bush. See *J.O. [Obush] v. Helen Mining Co.*, 24 BLR 1-117, 1-125-26 (2009), *aff'd*, *Helen Mining Co. v. Director, OWCP [Obush]*, F.3d , 2011 WL 1366355 (3d Cir. 2011); *Zeigler Coal Co. v. Kerr [Griskell]*, 240 F.3d 572, 22 BLR 2-247 (7th Cir. 2000), *citing Freeman United Coal Mining Co. v. Summers*, 272 F.3d 473, 483 n.7, 22 BLR 2-265, 2-281 n.7 (7th Cir. 2001); Decision and Order on Remand at 9; Employer's Brief at 19-29. Contrary to employer's argument, in evaluating the expert opinions of record in conjunction with the Department of Labor's (DOL) discussion of the medical science cited in the preamble to the amended regulations, the administrative law judge did not improperly treat the preamble as evidence, or as a presumption that all obstructive lung disease is pneumoconiosis. See *Obush*, 24 BLR at 1-125-26; *Maddaleni v. The Pittsburg & Midway Coal Mining Co.*, 14 BLR 1-135, 139 (1990); Employer's Brief at 19-29. Rather, the administrative law judge permissibly consulted the preamble as an authoritative statement of medical principles accepted by the DOL when it revised the definition of pneumoconiosis to include obstructive impairments arising out of coal mine

numerous miners, and now limits his practice to Pulmonary Pathology as an expert witness. *Id.* at 5. Dr. Oesterling has been the Chairman of the Pathology Department and the Director of Nuclear Medicine at the Ohio Valley Hospital in Pittsburgh, Pennsylvania, and is a Clinical Professor of Nuclear Medicine at Allegheny Community College. *Id.*

The administrative law judge noted that Dr. Bush is Board-certified in Anatomic and Clinical Pathology, and in Medical Microbiology, was the Associate Pathologist at Lee Hospital in Johnstown, Pennsylvania, and is currently the Laboratory Director of that hospital, and has published four articles. *Id.* at 6.

¹⁵ The administrative law judge observed that Dr. Green recognized that coal mine dust exposure can cause both emphysema and chronic bronchitis, that the effects of smoking and coal mine dust exposure are both equal and additive, and that both smoking-induced and coal mine dust-induced disease occur through similar mechanisms, consistent with the scientific studies cited in the preamble. Decision and Order on Remand at 9; 65 Fed. Reg. 79,939-43, 79,969-72 (Dec. 20, 2000).

employment. 20 C.F.R. §718.201(a)(2), (c); see *Consolidation Coal Co. v. Director, OWCP [Beeler]*, 521 F.3d 723, 726, 24 BLR 2-97, 2-103 (7th Cir. 2008); *Obush*, 24 BLR at 1-125-26; Employer's Brief at 19-29.

The administrative law judge also permissibly concluded that Dr. Green's opinion was not necessarily undermined by the opinions of Drs. Rosenberg and Bush, that the changes they observed in the miner's lungs were typical of smoking, because Dr. Green agreed that smoking played a role in the development of the miner's emphysema. See *Hicks*, 138 F.3d at 528, 21 BLR at 2-326; *Akers*, 131 F.3d at 441, 21 BLR at 2-275-76; Decision and Order on Remand at 9; Employer's Brief at 13; Employer's Exhibit 2 at 3; Claimant's Exhibit 1 at 4-5. Consequently, we affirm the administrative law judge's determination to credit Dr. Green's opinion, as adequately explained and supported by substantial evidence. See *Compton v. Island Creek Coal Co.*, 211 F.3d 203, 207-08, 22 BLR 2-162, 2-168 (4th Cir. 2000); *Piney Mountain Coal Co. v. Mays*, 176 F.3d 753, 762 n.10, 21 BLR 2-587, 2-603 n.10 (4th Cir. 1999); *Hicks*, 138 F.3d at 528, 21 BLR at 2-326.

We further reject employer's contention that the administrative law judge erred in discounting the opinion of Dr. Rosenberg. Employer's Brief at 13-14, 16. While, in his initial decision, the administrative law judge credited Dr. Rosenberg's opinion as to the existence of clinical pneumoconiosis, he was not required to similarly credit, on remand, Dr. Rosenberg's separate opinion as to the existence of legal pneumoconiosis. Employer's Brief at 16. The Board remanded the case to the administrative law judge, in part, for a "full consideration" of the issue of legal pneumoconiosis. See *Dale v. Wilder Coal Co.*, 8 BLR 1-119, 1-120 (1985); *Lane v. Union Carbide Corp.*, 105 F.2d 166, 174, 21 BLR 2-34, 2-48 (4th Cir. 1997). Thus, on remand, the administrative law judge permissibly revisited Dr. Rosenberg's opinion. Contrary to employer's argument, the administrative law judge reasonably discounted Dr. Rosenberg's conclusion, that coal mine dust did not contribute to the miner's COPD, because it was based, in part, on the physician's inaccurate observation that the miner's emphysema was not associated with coal dust deposition, contrary to the credible findings of Dr. Green, who possessed superior qualifications to Dr. Rosenberg.¹⁶ See *Hicks*, 138 F.3d at 528, 21 BLR at 2-326; *Akers*, 131 F.3d at 441, 21 BLR at 2-275-76; Decision and Order on Remand at 11. The administrative law judge also permissibly discredited Dr. Rosenberg's opinion as based, in part, on the length of time since claimant's last exposure to coal mine dust, contrary to

¹⁶ The administrative law judge correctly noted that Dr. Green, whose microscopic findings he credited, found that the miner's emphysema was associated with widespread deposition of black pigment which, on high power magnification, had the morphologic characteristics of coal mine dust and, on polarizing microscopy, showed numerous particles consistent with silica and silicate minerals. Decision and Order on Remand at 11 n.6; Claimant's Exhibit 1 at 2.

the regulations' recognition that pneumoconiosis may be progressive. 20 C.F.R. §718.201(c); see *Mullins Coal Co. of Va. v. Director, OWCP*, 484 U.S. 135, 151, 11 BLR 2-1, 2-9 (1987), *reh'g denied* 484 U.S. 1047 (1988); *Peabody Coal Co. v. Odom*, 342 F.3d 486, 491, 22 BLR 2-612, 2-621 (6th Cir. 2003); Decision and Order on Remand at 9, 11; Employer's Brief at 13, 17; 65 Fed. Reg. 79,971 (Dec. 20, 2000); Employer's Exhibit 5 at 16.

Employer next argues that the administrative law judge erred in rejecting the opinion of Dr. Oesterling. Employer's Brief at 12-14. Dr. Oesterling opined that the length of time since the miner had worked in the mines, together with the presence of hard, dry mucus in his lungs, pointed to smoking as the sole cause of the miner's chronic bronchitis and resultant panlobular emphysema. Employer's Exhibit 3 at 20, 32. Contrary to employer's argument, the administrative law judge permissibly discounted Dr. Oesterling's opinion, in part, because it was not in accord with the regulations' recognition that pneumoconiosis may be progressive, or with the studies relied upon by the Department of Labor.¹⁷ 20 C.F.R. §718.201(c); see *Obush*, 24 BLR at 1-125-26; 65 Fed. Reg. 79,939 (Dec. 20, 2000); *Mullins*, 484 U.S. at 151, 11 BLR at 2-9; *Odom*, 342 F.3d at 491, 22 BLR at 2-621; Decision and Order on Remand at 10; Employer's Brief at 14; Employer's Exhibit 3 at 20, 32. Further, the administrative law judge permissibly found that Dr. Oesterling's opinion, that emphysema seen in miners is specific to centrilobular emphysema, and unrelated to panlobular emphysema, was also undercut by Dr. Rosenberg's opinion that centrilobular emphysema can progress to panlobular emphysema. See *Hicks*, 138 F.3d at 528, 21 BLR at 2-326; *Akers*, 131 F.3d at 441, 21 BLR at 2-275-76; Decision and Order on Remand at 11; Employer's Exhibits 1 at 6, 3 at 47-49, 5 at 19-21.

Employer also contends that the administrative law judge erred in discounting the opinion of Dr. Bush, that the miner's COPD was not due to his coal mine dust exposure. Employer's Brief at 11-17. Employer's argument lacks merit. The administrative law judge acted within his discretion in according less weight to the opinion of Dr. Bush, in part, because he also relied on the presence of airway mucus plugs to support his

¹⁷ The administrative law judge rationally found that the preamble's recognition that, "[t]he relationships between hypersecretion of mucus (chronic bronchitis) and chronic airflow limitation (emphysema) on the one hand and environmental factor of coal mining exposures on the other appears to be similar to those found for cigarette smoking," cast doubt on . . . the opinions of Drs. Oesterling and Bush," that the mucus plugs reflected a smoke-induced chronic bronchitis. Decision and Order on Remand at 9; 65 Fed. Reg. 79,939 (Dec. 20, 2000); *J.O. [Obush] v. Helen Mining Co.*, 24 BLR 1-117, 1-125-26 (2009), *aff'd*, *Helen Mining Co. v. Director, OWCP [Obush]*, F.3d , 2011 WL 1366355 (3d Cir. 2011).

conclusion that the miner's bronchitis was due to smoking,¹⁸ and because he cited no medical studies in support of his opinion, and did not explain his conclusion that coal dust exposure played no role in the miner's centrilobular emphysema. *See Hicks*, 138 F.3d at 528, 21 BLR at 2-326; *Akers*, 131 F.3d at 441, 21 BLR at 2-275-76; *Obush*, 24 BLR at 1-125-26; *Clark*, 12 BLR at 1-155; 65 Fed. Reg. 79,939 (Dec. 20, 2000); Decision and Order on Remand at 9; Employer's Exhibit 1 at 3.

It is the administrative law judge's function to weigh the evidence, draw appropriate inferences and determine credibility. *See Underwood v. Elkay Mining, Inc.*, 105 F.3d 946, 21 BLR 2-23 (4th Cir. 1997); *Newport News Shipbuilding & Dry Dock Co. v. Tann*, 841 F.2d 540, 543 (4th Cir. 1988). Here, the administrative law judge's evaluation of the medical opinions of record under Section 718.202(a)(4) is rational, supported by substantial evidence and in accordance with law. We, therefore, affirm the administrative law judge's finding that claimant established the existence of legal pneumoconiosis pursuant to Section 718.202(a)(4).

Pneumoconiosis– 20 C.F.R. §718.202(a)

Further, as the administrative law judge found both clinical and legal pneumoconiosis established and, contrary to employer's contention, considered the negative x-ray evidence, and the positive autopsy and medical opinion evidence together, pursuant to *Island Creek Coal Co. v. Compton*, 211 F.3d 203, 211, 22 BLR 2-162, 2-174 (4th Cir. 2000), the administrative law judge properly found that pneumoconiosis was established overall at Section 718.202(a). Decision and Order on Remand at 8-12; Employer's Brief at 20 n.3; *see also M.F. [Foster]*, BRB No. 09-0260 BLA, slip op. at 2 n.3.

Death Causation – 20 C.F.R. §718.205(c)

Employer next argues that the administrative law judge erred in crediting the opinion of Dr. Green, that the miner's legal pneumoconiosis contributed to his death, over the contrary opinions of Drs. Oesterling, Rosenberg, and Bush. Employer's Brief at 18. Employer's contention lacks merit. Evaluating the evidence pursuant to Section 718.205(c), the administrative law judge correctly noted that Drs. Green, Oesterling, Rosenberg, and Bush agreed that the miner's severe COPD, with emphysema and chronic bronchitis, contributed to the miner's death,¹⁹ but disagreed as to whether the miner's

¹⁸ Dr. Bush diagnosed centrilobular emphysema due to chronic bronchitis due to smoking, observing mucus cells in the intramural glands, and stating that, "[t]hese changes are those of chronic bronchitis and are typical of the residual changes most often associated with a significant smoking history." Employer's Exhibit 2 at 3.

¹⁹ Dr. Green opined that the miner "died in respiratory failure as a result of acute complications of COPD and coal worker's pneumoconiosis." Claimant's Exhibit 1. Dr.

COPD was legal pneumoconiosis. Decision and Order on Remand at 2, 13; Claimant's Exhibit 1 at 3; Employer's Exhibits 1 at 6-72 at 4, 3 at 5. Contrary to employer's contention, the administrative law judge properly accorded controlling weight to the opinion of Dr. Green, because he was the only physician to opine that the miner's COPD was due, in part, to coal mine dust exposure, in accord with the administrative law judge's own finding of legal pneumoconiosis. See *Collins v. Pond Creek Mining Co.*, 468 F.3d 213, 224, 23 BLR 2-393, 2-412 (4th Cir. 2006); *Scott v. Mason Coal Co.*, 289 F.3d 263, 267, 269, 22 BLR 2-372, 2-379-80, 2-384 (4th Cir. 2002); *V.M. [Matney] v. Clinchfield Coal Co.*, 24 BLR 1-65, 1-76 (2008); Decision and Order on Remand at 12-13. Because it is supported by substantial evidence, we affirm the administrative law judge's finding that claimant established that the miner's death was due to legal pneumoconiosis pursuant to Section 718.205(c).

In conclusion, the administrative law judge's findings that legal pneumoconiosis was established at Section 718.202(a)(4), that pneumoconiosis was established overall at Section 718.202(a), and that death due to pneumoconiosis was established at Section 718.205(c), are supported by valid reasons. Because his rationale and explanations are adequately comprehensive, and comport with the requirements of the Administrative Procedure Act, 5 U.S.C. §557(c)(3)(A), as incorporated into the Act by 30 U.S.C. §932(a), by means of 33 U.S.C. §919(d) and 5 U.S.C. §554(c)(2); see *Lane Hollow Coal Co. v. Director, OWCP [Lockhart]*, 137 F.3d 799, 803, 21 BLR 2-302, 2-311 (4th Cir. 1998); *Wojtowicz v. Duquesne Light Co.*, 12 BLR 1-162, 1-165 (1989), we affirm them.

Oesterling opined that the miner's bullous pulmonary emphysema contributed to the miner's death by causing "hypoxia and marked alterations in the hemodynamics of blood flow through the lung fields imposing [a] marked burden on the heart." Employer's Exhibit 1. Dr. Rosenberg opined that the miner "died of respiratory failure consequent to his severe COPD with reported pneumonia, bronchitis, hemorrhage and fluid accumulation." Employer's Exhibit 4. Dr. Bush opined that the miner "died of respiratory failure from overwhelming chronic lung disease consisting of chronic bronchitis, centrilobular emphysema, and widespread mucus plugs within small and medium-sized airways." Employer's Exhibit 2.

Accordingly, the administrative law judge's Decision and Order on Remand—Awarding Benefits is affirmed.

SO ORDERED.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge