BRB No. 93-1402

THERMAN PARKER	)	
	)	
Claimant-Petitioner	)	
	)	
v.	)	
	)	
DELAWARE RIVER STEVEDORES	)	DATE ISSUED:
	)	
Self-Insured	)	
Employer-Respondent	)	DECISION and ORDER

Appeal of the Decision and Order Denying Benefits of Frank D. Marden, Administrative Law Judge, United States Department of Labor.

John S. Fusco (Simon W. Tache, P.C.), Philadelphia, Pennsylvania, for claimant.

Cornelius V. Gallagher (Linden & Gallagher), New York, New York, for self-insured employer.

Before: SMITH, BROWN and McGRANERY, Administrative Appeals Judges.

PER CURIAM:

Claimant appeals the Decision and Order Denying Benefits (91-LHC-02513) of Administrative Law Judge Frank D. Marden rendered on a claim filed pursuant to the provisions of the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C. §901 *et seq.* (the Act). We must affirm the administrative law judge's findings of fact and conclusions of law if they are supported by substantial evidence, are rational, and are in accordance with law. 33 U.S.C. §921(b)(3); *O'Keeffe v. Smith, Hinchman & Grylls Associates, Inc.*, 380 U.S. 359 (1965).

On October 20, 1988, claimant slipped and fell from a high top container and landed on his right hip and shoulder, resulting in a fractured right clavicle. Employer voluntarily paid claimant temporary total disability benefits until November 4, 1990. 33 U.S.C. §908(b). In his Decision and Order, the administrative law judge, after reviewing the relevant evidence of record, found that claimant is not entitled to disability benefits after November 4, 1990; accordingly, he denied claimant's claim for benefits subsequent to that date.

On appeal, claimant argues that the administrative law judge's findings are not supported by substantial evidence in that he ignored claimant's medical and testimonial evidence. Employer responds, urging affirmance.

Claimant, in support of his contentions of error, asserts that the administrative law judge erred by failing to accord probative weight to his complaints of shoulder and back pain, the MRI evidence of record, and medical opinions of Drs. Cole and Knod, who opined that claimant is unable to perform his former job as a crane operator. We disagree. It is well-established that claimant bears the burden of establishing the nature and extent of any disability sustained as a result of a work-related injury. *See Anderson v. Todd Shipyards Corp.*, 22 BRBS 20 (1989); *Trask v. Lockheed Shipbuilding & Construction Co.*, 17 BRBS 56 (1985). In the instant case, after considering all of the lay and medical evidence of record, the administrative law judge relied upon the opinions of Drs. Mariani, Shuster, Shuman, and Heppenstall, that claimant has magnified his symptoms and that claimant is able to return to full-time unrestricted employment, in concluding that claimant did not sustain a compensable impairment subsequent to November 4, 1990.[1] *See* Decision and Order at 4-7. In declining to rely upon the contrary opinions of Drs. Cole and Knod, the administrative law judge found Dr. Cole's opinion to be unreasoned and unsupported by objective findings and Dr. Knod's unsupported diagnosis of "chronic pain syndrome" not suggested or referred to by any other physician of record and based primarily on claimant's complaints. As the administrative law judge's credibility determinations are rational and within his authority as factfinder, and as these credited opinions constitute substantial evidence to support the administrative law judge's findings, we affirm the administrative law judge's determination that claimant sustained no compensable impairment subsequent to November 4, 1990. *See generally Cordero v. Triple A Machine Shop*, 580 F.2d 1331, 8 BRBS 744 (9th Cir. 1978), *cert. denied*, 440 U.S. 911 (1979); *Sam v. Loffland Brothers Co.*, 19 BRBS 228 (1987).

[1]Dr. Mariani, on January 14, 1991, after finding a full range of motion in claimant's lumbar spine and a normal neurlogic examination, was unable to account for claimant's complaints. On March 6, 1990, Dr. Shuster found claimant's complaints to be out of proportion to specific findings and opined that claimant could return to work without restrictions. Similarly Dr. Shuman, on May 30, 1990, opined that claimant could return to his usual employment duties. Lastly, Dr. Heppenstall, on September 14, 1990, found that claimant exhibited no residual disability from his October 20, 1998, work-related injury.

Accordingly, the Decision and Order Denying Benefits of the administrative law judge is affirmed.

SO ORDERED.

ROY P. SMITH
Administrative Appeals Judge

JAMES F. BROWN
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge