U.S. Department of Labor

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

BRB No. 22-0257 BLA

MICHAEL KEITH	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	
	)	
BANTAM MINING INCORPORATED	)	
	)	
and	)	
	)	
WEST VIRGINIA COAL WORKERS' PNEUMOCONIOSIS FUND	)	DATE ISSUED: 8/21/2023
	)	
Employer/Carrier-Petitioners	)	
	)	
DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR	)	
	)	
Party-in-Interest	)	DECISION and ORDER

Appeal of the Decision and Order Awarding Benefits of Joseph E. Kane, Administrative Law Judge, United States Department of Labor.

Joseph E. Wolfe and Brad A. Austin (Wolfe Williams & Reynolds), Norton, Virginia, for Claimant.

Ashley M. Harman and Lucinda L. Fluharty (Jackson Kelly PLLC), Morgantown, West Virginia, for Employer and its Carrier.

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

PER CURIAM:

Employer and its Carrier (Employer) appeal Administrative Law Judge (ALJ) Joseph E. Kane's[1] Decision and Order Awarding Benefits (2020-BLA-05654) rendered on a claim filed pursuant to the Black Lung Benefits Act, as amended, 30 U.S.C. §§901-944 (2018) (Act). This case involves a subsequent claim filed on December 19, 2018.[2]

The ALJ credited Claimant with 9.63 years of coal mine employment, and thus found he could not invoke the rebuttable presumption of total disability due to pneumoconiosis at Section 411(c)(4) of the Act, 30 U.S.C. §921(c)(4)(2018).[3] Considering entitlement under 20 C.F.R. Part 718, he found Claimant established legal pneumoconiosis in the form of chronic bronchitis and emphysema significantly related to, or substantially aggravated by, coal mine dust exposure. 20 C.F.R. §718.202(a). He further found Claimant totally disabled due to the disease. 20 C.F.R. §718.204(b)(2), (c). Thus he awarded benefits.

On appeal, Employer argues the ALJ erred in finding that Claimant established the existence of legal pneumoconiosis and total disability due to pneumoconiosis.[4] Claimant

[1] Administrative Law Judge (ALJ) Peter B. Silvain, Jr. held the telephonic formal hearing in this case on February 25, 2021. However, on May 12, 2021, the Office of Administrative Law Judges reassigned this case to ALJ Joseph E. Kane due to ALJ Silvain's departure from that office.

[2] Claimant filed a prior claim on August 29, 1988, which was denied on February 13, 1989. Director's Exhibit 1. The title page indicates the claim was destroyed; therefore, there are no records associated with that claim. *Id.* Consequently, the ALJ was unable to determine what elements were previously adjudicated against Claimant in the prior denial, so he presumed Claimant failed to establish any element of entitlement. 20 C.F.R. §725.309; Decision and Order at 6.

[3] Section 411(c)(4) of the Act provides a rebuttable presumption that a miner is totally disabled due to pneumoconiosis if he has at least fifteen years of underground or substantially similar surface coal mine employment and a totally disabling respiratory or pulmonary impairment. 30 U.S.C. §921(c)(4) (2018); *see* 20 C.F.R. §718.305.

[4] We affirm, as unchallenged on appeal, the ALJ's finding that Claimant established 9.63 years of coal mine employment. *See Skrack v. Island Creek Coal Co.*, 6 BLR 1-710, 1-711 (1983); Decision and Order at 4-6.

responds, urging affirmance of the award. The Director, Office of Workers' Compensation Programs, has not filed a response brief.

The Benefits Review Board's scope of review is defined by statute. We must affirm the ALJ's Decision and Order if it is rational, supported by substantial evidence, and in accordance with applicable law.[5] 33 U.S.C. §921(b)(3), as incorporated by 30 U.S.C. §932(a); *O'Keeffe v. Smith, Hinchman & Grylls Assocs., Inc.*, 380 U.S. 359 (1965).

To be entitled to benefits under the Act, Claimant must establish disease (pneumoconiosis); disease causation (it arose out of coal mine employment); disability (a totally disabling respiratory or pulmonary impairment); and disability causation (pneumoconiosis substantially contributed to the disability). 30 U.S.C. §901; 20 C.F.R. §§718.3, 718.202, 718.203, 718.204. Statutory presumptions may assist claimants in establishing the elements of entitlement if certain conditions are met, but failure to establish any of them precludes an award of benefits. *Anderson v. Valley Camp of Utah, Inc.*, 12 BLR 1-111, 1-112 (1989); *Trent v. Director, OWCP*, 11 BLR 1-26, 1-27 (1987); *Perry v. Director, OWCP*, 9 BLR 1-1 (1986) (en banc).

Legal Pneumoconiosis

To establish legal pneumoconiosis, Claimant must demonstrate he has a chronic lung disease or impairment "significantly related to, or substantially aggravated by, dust exposure in coal mine employment." 20 C.F.R. §718.201(b).

The ALJ considered the medical opinions of Drs. Green, Nader, Broudy, and Ranavaya. Decision and Order at 12-16. Dr. Green opined Claimant has legal pneumoconiosis, in the form of chronic obstructive pulmonary disease (COPD) due to both cigarette smoking and coal mine dust exposure. Director's Exhibits 19, 21. Similarly, Dr. Nader opined Claimant suffers from COPD and emphysema due to both coal mine dust exposure and cigarette smoking. Claimant's Exhibits 3, 4. Conversely, Drs. Broudy and Ranavaya diagnosed chronic bronchitis caused by cigarette smoking and unrelated to coal mine dust exposure. Director's Exhibit 28; Employer's Exhibits 2, 5, 7.

The ALJ found the opinions of Drs. Green and Nader well documented and reasoned and entitled to significant weight. Decision and Order at 12-13, 15-16. Conversely, he determined the opinions of Drs. Broudy and Ranavaya are inadequately explained and

[5] This case arises within the jurisdiction of the United States Court of Appeals for the Fourth Circuit because Claimant performed his coal mine employment in West Virginia. *See Shupe v. Director, OWCP*, 12 BLR 1-200, 1-202 (1989) (en banc); Director's Exhibit 4; Hearing Tr. at 15.

reasoned, and thus entitled to reduced weight. Decision and Order at 13-15. Therefore, he concluded the medical opinion evidence established the existence of legal pneumoconiosis. *Id*. at 16.

The ALJ found Drs. Broudy and Ranavaya failed to credibly explain their opinions that Claimant does not have legal pneumoconiosis. *See Milburn Colliery Co. v. Hicks*, 138 F.3d 524, 533 (4th Cir. 1998); *Sterling Smokeless Coal Co. v. Akers*, 131 F.3d 438, 441 (4th Cir. 1997); Decision and Order at 18-20. Dr. Broudy acknowledged Claimant's history of coal dust exposure was sufficient to cause pneumoconiosis, but he "believe[d] the chronic bronchitis is due to [Claimant's] history of cigarette smoking." Director's Exhibit 28 at 4. As the ALJ correctly observed, Dr. Broudy did not explain why he attributed Claimant's chronic bronchitis solely to cigarette smoking. Decision and Order at 14. Likewise, in light of the Department of Labor's (DOL's) recognition that the risks of smoking and coal mine dust can be additive, the ALJ permissibly found Dr. Ranavaya's opinion "poorly reasoned" as the physician failed to adequately explain why Claimant's history of coal mine dust exposure did not significantly contribute, along with his cigarette smoking, to his chronic bronchitis. *See Westmoreland Coal Co. v. Stallard*, 876 F.3d 663, 671-72 (4th Cir. 2017); *Helen Mining Co. v. Director, OWCP* [*Obush*], 650 F.3d 248, 257 (3d Cir. 2011); 20 C.F.R. §718.201(b); 65 Fed. Reg. 79,920, 79,940 (Dec. 20, 2000); Decision and Order at 15.

Employer argues the ALJ impermissibly rejected the opinions of Drs. Broudy and Ranavaya by applying an incorrect and stricter standard than the regulations require. Employer's Brief at 19-20; *see* 20 C.F.R. §§718.201(a)(2), 718.305(d)(1)(A). We disagree.

The ALJ correctly stated Claimant has the burden to establish legal pneumoconiosis, which he properly identified as any "chronic lung disease or impairment significantly related to, or substantially aggravated by, dust exposure from coal mine employment." *See* 20 C.F.R. §§718.201(a)(2), (b), 718.305(d)(1)(i)(A); Decision and Order at 7. Moreover, the ALJ did not reject the opinions of Drs. Broudy and Ranavaya because they were insufficient to meet a specific standard on the existence of legal pneumoconiosis; rather, he found both opinions not well-reasoned in explaining their own conclusions. Decision and Order at 14-15.

Employer also generally argues the ALJ selectively analyzed the evidence by finding the opinions of Drs. Green and Nader establish legal pneumoconiosis merely because they meet a lower burden of proof. Employer's Brief at 20-21. We disagree. The ALJ permissibly found their opinions are well-reasoned and documented and sufficient to establish Claimant has a chronic lung disease or impairment significantly related to, or substantially aggravated by, coal mine dust exposure. *Hicks*, 138 F.3d at 533; *Akers*, 131

F.3d at 441; 20 C.F.R. §718.201(a)(2), (b); Decision and Order at 15-16. Employer does not identify any specific error in this finding. Thus we affirm it. *Cox v. Benefits Review Board*, 791 F.2d 445, 446-47 (6th Cir. 1986); *Sarf v. Director, OWCP*, 10 BLR 1-119, 1-120-21 (1987); *Fish v. Director, OWCP*, 6 BLR 1-107, 1-109 (1983).

Employer next argues the ALJ erred in concluding Claimant satisfied his burden of establishing legal pneumoconiosis by a preponderance of the evidence because the medical opinions are "equally balanced" as two physicians diagnosed the presence of the disease whereas two physicians did not. Employer's Brief at 18-19.

Contrary to Employer's argument, the ALJ did not find the medical opinions of Drs. Green, Nader, Broudy, and Ranavaya "equally balanced." Employer's Brief at 19. Rather, the ALJ discredited the opinions of Drs. Broudy and Ranavaya because they were "less persuasive," and thus, entitled to "little weight." Decision and Order at 14-15, 16. Further, he accorded "probative weight" to the well-reasoned and documented opinions of Drs. Green and Nader. Decision and Order at 16. Therefore, he rationally found the preponderance of the *credible* medical opinion evidence "weighs in favor of demonstrating that Claimant has legal pneumoconiosis." *Id.*; *see Westmoreland Coal Co., Inc. v. Cochran*, 718 F.3d 319, 322-23 (4th Cir. 2013); *Consolidation Coal Co. v. Williams*, 453 F.3d 609, 622 (4th Cir. 2006). Because the ALJ's finding that Claimant established legal pneumoconiosis is rational and supported by substantial evidence, we affirm it. 20 C.F.R. §718.202(a)(4); Decision and Order at 16.

Total Disability

A miner is totally disabled if his pulmonary or respiratory impairment, standing alone, prevents him from performing his usual coal mine work and comparable gainful work. 20 C.F.R. §718.204(b)(1). A claimant may establish total disability based on qualifying pulmonary function studies or arterial blood gas studies,[6] evidence of pneumoconiosis and cor pulmonale with right-sided congestive heart failure, or medical opinions. 20 C.F.R. §718.204(b)(2)(i)-(iv). The ALJ must weigh all relevant supporting evidence against all relevant contrary evidence. *See Defore v. Alabama By-Products Corp.*, 12 BLR 1-27, 1-28-29 (1988); *Rafferty v. Jones & Laughlin Steel Corp.*, 9 BLR 1-231, 1-232 (1987); *Shedlock v. Bethlehem Mines Corp.*, 9 BLR 1-195, 1-198 (1986), *aff'd on recon.*, 9 BLR 1-236 (1987) (en banc).

[6] A "qualifying" pulmonary function study or arterial blood gas study yields values that are equal to or less than the applicable table values listed in Appendices B and C of 20 C.F.R. Part 718. A "non-qualifying" study exceeds those values. 20 C.F.R. §718.204(b)(2)(i), (ii).

The ALJ found Claimant established total disability based on the medical opinion evidence and in consideration of the evidence as a whole. 20 C.F.R. §718.204(b)(2)(iv); Decision and Order at 13-23.

Before weighing the medical opinions, the ALJ addressed the exertional requirements of Claimant's usual coal mine work as a shuttle car operator and miner operator. Decision and Order at 17-18. Based on Claimant's hearing testimony, the ALJ noted Claimant worked "underground in low coal, about twenty-eight to thirty-two inches," requiring him to "crawl around inside the mine." Decision and Order at 17; Hearing Tr. at 21-22. He specifically noted Claimant testified the duties of his last coal mine job as a miner operator required him to carry seventy-five pound bags of rock dust, cinder block stoppings, and cement cribs and to make belt moves requiring him "to drag pieces of the belt weighing eighty pounds." Decision and Order at 17; Hearing Tr. at 23-24. Reviewing Claimant's CM-913 Description of Coal Mine Work form, the ALJ observed Claimant listed his job duties of rock dusting, performing belt and power work, cleaning up, and lifting and carrying "100 pounds each day." Decision and Order at 17-18; Director's Exhibit 5. Consequently, he found Claimant's usual coal mine work required "heavy manual labor." Decision and Order at 18. As Employer has not challenged this finding, we affirm it. *See Skrack v. Island Creek Coal Co.*, 6 BLR 1-710, 1-711 (1983).

The ALJ next considered the opinions of Drs. Green, Nader, Broudy, and Ranavaya. Decision and Order at 22-26. He specifically found the opinions of Drs. Green and Nader that Claimant has a totally disabling respiratory or pulmonary impairment well-reasoned and documented and entitled to "probative weight." Decision and Order at 23, 25; *see* Director's Exhibits 19, 21; Claimant's Exhibits 3, 4. He found the contrary opinions of Drs. Broudy and Ranavaya unpersuasive and entitled to diminished weight because they did not adequately discuss the exertional requirements of Claimant's usual coal mine employment. Decision and Order at 23-25; Director's Exhibit 28; Employer's Exhibits 2, 5, 7.

Employer argues the ALJ erred in crediting the opinions of Drs. Green and Nader as reasoned because, contrary to the ALJ's determination, they are not supported by qualifying blood gas studies. Employer's Brief at 4-7, 10-11. Employer specifically asserts the ALJ erroneously characterized Claimant's January 27, 2019 and December 20, 2020 exercise blood gas studies as "qualifying" by relying on values drawn before the tests were completed as a basis to support his conclusions. *Id*. We disagree.

It is well established total disability can be demonstrated with a reasoned medical opinion even in the absence of qualifying pulmonary function or arterial blood gas studies. 20 C.F.R. §718.204(b)(2)(iv); *see Cornett v. Benham Coal, Inc.*, 227 F.3d 569, 577 (6th Cir. 2000) ("even a 'mild' respiratory impairment may preclude the performance

of the miner's usual duties"); *Killman v. Director, OWCP*, 415 F.3d 716, 721-22 (7th Cir. 2005) (claimant can establish total disability despite non-qualifying objective tests). Further, a medical opinion may support a finding of total disability if it provides sufficient information from which the ALJ can reasonably infer that a miner is unable to do his last coal mine job. *See Scott v. Mason Coal Co.*, 60 F.3d 1138, 1142 (4th Cir. 1995); *see also Poole v. Freeman United Coal Mining Co.*, 897 F.2d 888, 894 (7th Cir. 1990); *McMath v. Director, OWCP*, 12 BLR 1-6, 1-9 (1988).

Next, contrary to Employer's assertion, the ALJ did not find the January 27, 2019 and December 20, 2020 exercise blood gas studies were qualifying under the regulatory criteria for total disability. 20 C.F.R. §718.204(b)(2)(ii); Decision and Order at 20. He correctly indicated the January 27, 2019 and December 20, 2020 exercise blood gas studies "produced qualifying values at the *beginning of exercise*," whereas the June 18, 2020 and January 18, 2021 exercise blood gas studies produced non-qualifying values.[7] Decision and Order at 22 [emphasis added]. Given the conflicting test results, however, he found the blood gas study evidence does not demonstrate total disability. *Id.*

Moreover, the ALJ did not credit Dr. Green's opinion based on a finding that the January 27, 2019 exercise blood gas study was qualifying. Dr. Green performed the DOL-sponsored complete pulmonary evaluation of Claimant consisting of a physical examination; work, medical and social histories; a chest x-ray; pulmonary function and arterial blood gas studies; and an EKG. Director's Exhibit 19. He characterized Claimant's usual coal mine employment as heavy labor, requiring him to operate a shuttle car, miner, and scoop and lift 50 to 100 pounds, all while working in low coal of thirty-six inches. *Id.* at 1. In addition, he noted Claimant reported symptoms of chronic coughing, wheezing, shortness of breath when walking to the mailbox or wheeling the trash out, daily sputum production, and mucous expectoration. *Id.* at 2. He observed Claimant experienced "significant hypoxemia" during his resting January 27, 2019 blood gas study and "could not perform the duties of his previous coal mine employment" as demonstrated by the exercise portion of the study. *Id.* at 4. Based on his significant hypoxemia and qualifying blood gas studies "at least some of the time," Dr. Green opined Claimant "is totally disabled from a pulmonary capacity standpoint." *Id.* He reiterated his original opinion in a

[7] There are six arterial blood gas studies of record dated January 27, 2019, September 17, 2019, October 1, 2019, June 18, 2020, December 20, 2020, and January 18, 2021; all the tests yielded non-qualifying values. Director's Exhibits 19, 28, 29; Claimant's Exhibits 3, 4; Employer's Exhibit 2. Claimant performed the studies dated January 27, 2019, June 18, 2020, December 20, 2020, and January 18, 2021 both at rest and exercise. Director's Exhibit 19; Claimant's Exhibits 3, 4; Employer's Exhibit 2.

supplemental report that Claimant has worsening gas exchange in association with exercise that precludes his ability to perform his usual coal mine work. Director's Exhibit 21 at 2.

In reviewing the January 27, 2019 blood gas study that Dr. Green administered, the ALJ stated, "[w]hile the resting study is non-qualifying, the initial exercise study produced qualifying results during the first minute of exercise." Decision and Order at 21. However, "after two minutes of exercise," the ALJ noted Claimant's PCO_2 and PO_2 values "are not qualifying under the regulations." *Id.* While the ALJ found Dr. Green's opinion "consistent with the qualifying exercise blood gas studies *he* considered,"[8] the ALJ did not rely on this factor as a basis for finding Dr. Green's opinion probative. Decision and Order at 23 [emphasis added]. Instead, he noted "even non-qualifying values that demonstrate a mild impairment can be evidence of total disability depending on the physical requirements of a miner's coal mine job." Decision and Order at 23. Further he permissibly found Dr. Green's opinion credible because it "is consistent with Claimant's physical limitations caused by his shortness of breath" and based on an accurate assessment of Claimant's usual coal mine employment requiring heavy manual labor. *See Cornett*, 227 F.3d at 587; *Eagle v. Armco, Inc.*, 943 F.2d 509, 512-13 (4th Cir. 1991); *Walker v. Director, OWCP*, 927 F.2d 181, 184-85 (4th Cir. 1991); Decision and Order at 23. Therefore he rationally concluded Dr. Green's opinion that Claimant's respiratory condition precluded further coal mine work is entitled to determinative weight. *See Hicks*, 138 F.3d at 533; *Akers*, 131 F.3d at 441; Decision and Order at 23.

Nor are we persuaded by Employer's argument that the ALJ erred in crediting Dr. Nader's disability opinion. Dr. Nader examined Claimant on December 29, 2020, obtained relevant medical and work histories, and administered objective tests. Claimant's Exhibits 3, 4. He characterized the exertional requirements of Claimant's job as "heavy" after reporting Claimant's job duties required lifting "50 to 100 pounds at any given time" and "crawling on [his] hands and knees, bent over and duck walking for the entire shift" in mine conditions between thirty-two to forty inches high. Claimant's Exhibit 3 at 4. He opined Claimant is totally disabled from a pulmonary standpoint based on his arterial blood gas studies. *Id.* at 7. While Dr. Nader acknowledged Claimant's blood gas studies associated with his second examination on January 18, 2021 did not meet the DOL criteria for total disability, he opined Claimant "remains totally disabled from a pulmonary

[8] Dr. Green reported three samples of blood gases were drawn during exercise, where "the first arterial blood gas sample actually meets the Federal guideline criteria for total pulmonary disability." Director's Exhibit 19 at 3. He opined "[a]ll of the blood gases and the findings of significant hypoxemia at rest and with exercise . . . form the basis to conclude that [Claimant] could not perform the duties of his previous coal mine employment." *Id.*

capacity standpoint." Claimant's Exhibit 4 at 7. Dr. Nader explained he considers the entire clinical, objective evaluation overall to determine whether those findings confirm a claimant's symptoms. Employer's Exhibit 6 at 35-36. He opined Claimant is totally disabled based on the two pulmonary evaluations and tests he obtained, in addition to Dr. Green's examination and findings. *Id.* at 44.

The ALJ permissibly found Dr. Nader's opinion credible because it is based on his consideration of Claimant's "relevant histories, physical examinations, objective testing," and an accurate understanding of the exertional requirements of his last coal mine employment. *See Hicks*, 138 F.3d at 533; *Akers*, 131 F.3d at 441; Decision and Order at 25. Noting Dr. Nader not only "examined the Claimant twice," but also conducted the most recent examination, the ALJ relied upon Dr. Nader's disability opinion as more indicative of Claimant's current condition. *See Cooley v. Island Creek Coal Co.*, 845 F.2d 622, 11 BLR 2-147 (6th Cir. 1988); *Wetzel v. Director, OWCP*, 8 BLR 1-139 (1985); Decision and Order at 25. Thus he permissibly found Dr. Nader's opinion well-reasoned and documented. *See Hicks*, 138 F.3d at 533; *Akers*, 131 F.3d at 441; Decision and Order at 25.

We also reject Employer's argument that the ALJ erred in discrediting the contrary opinions of Drs. Broudy and Ranavaya. Employer's Brief at 7-10, 12-13. As discussed above, the ALJ permissibly credited the opinions of Drs. Green and Nader as well-reasoned and documented, and thereby found Claimant satisfied his burden of establishing total respiratory disability. Decision and Order at 23, 25-26. Further, Employer has not explained how the ALJ's discrediting of the opinions of Drs. Broudy and Ranavaya, even if based on a mistaken belief that the January 27, 2019 and December 20, 2020 exercise blood gas studies are "qualifying," made any difference to the outcome of this claim. *See Shinseki v. Sanders*, 556 U.S. 396, 413 (2009). Further, the ALJ found Dr. Broudy failed to indicate the exertional requirements of Claimant's jobs operating a shuttle car and continuous miner and Dr. Ranavaya characterized Claimant's work as requiring a medium level of exertion. Decision and Order at 24, 25. Because neither physician indicated if they were aware that this work required heavy manual labor, the ALJ permissibly found they did not demonstrate "an accurate understanding of the exertional requirements of the Claimant's last coal mine employment," and gave their opinions diminished weight. Decision and Order at 24, 25; *see Cornett*, 227 F.3d at 587; *Eagle*, 943 F.2d at 512-13 (physician who asserts a claimant is capable of performing assigned duties should state his knowledge of the physical efforts required and relate them to the miner's impairment); *Walker*, 927 F.2d at 184-85.

Because it is supported by substantial evidence, we affirm the ALJ's finding that Claimant established total disability based on the opinions of Drs. Green and Nader, and

in consideration of the evidence as a whole. 20 C.F.R. §718.204(b)(2); *Rafferty*, 9 BLR at 1-232; Decision and Order at 25-26.

Disability Causation

To establish total disability due to pneumoconiosis, Claimant must prove that pneumoconiosis is a "substantially contributing cause" of his totally disabling respiratory or pulmonary impairment. 20 C.F.R. §718.204(c)(1). Pneumoconiosis is a substantially contributing cause of a miner's totally disabling impairment if it has "a material adverse effect on the miner's respiratory or pulmonary condition," or if it "[m]aterially worsens a totally disabling respiratory or pulmonary impairment which is caused by a disease or exposure unrelated to coal mine employment." 20 C.F.R. §718.204(c)(1)(i), (ii). Employer argues the ALJ erred in discrediting the opinions of Drs. Broudy and Ranavaya on disability causation.[9] Employer's Brief at 21-22.

Contrary to Employer's argument, the ALJ rationally discredited the opinions of Drs. Broudy and Ranavaya regarding the cause of Claimant's disability because they failed to diagnose legal pneumoconiosis, contrary to the ALJ's finding Claimant established the presence of the disease. *See Collins v. Pond Creek Mining Co.*, 751 F.3d 180, 185 (4th Cir. 2014) (physician's opinion that "did not properly diagnose pneumoconiosis can carry, at most, little weight"); *Scott v. Mason Coal Co.*, 289 F.3d 263, 270 (4th Cir. 2002); *Toler v. Eastern Associated Coal Co.*, 43 F.3d 109, 116 (4th Cir. 1995); *Clark*, 12 BLR at 1-155; Decision and Order at 26-27. Because it is supported by substantial evidence, we affirm the ALJ's finding that Claimant established total disability due to legal pneumoconiosis and entitlement to benefits. 20 C.F.R. §718.204(c); Decision and Order at 27.

[9] Employer identifies no specific errors with respect to the ALJ's consideration of the opinions of Drs. Green and Nader on total disability causation. *See* Employer's Brief at 21-22. Rather, Employer argues the ALJ erred in crediting their opinions for the same reasons it asserts he erred in crediting their opinions diagnosing legal pneumoconiosis. *Id.* Because we have already rejected Employer's arguments that Drs. Green's and Nader's opinions were not entitled to weight on legal pneumoconiosis, we reject the same contention of error Employer makes regarding them in the context of disability causation. Therefore, we affirm the ALJ's finding their opinions are entitled to probative weight and satisfy Claimant's burden to establish that pneumoconiosis is a substantially contributing cause of his totally disabling pulmonary impairment. Decision and Order at 25.

Accordingly, the ALJ's Decision and Order Awarding Benefits is affirmed.

SO ORDERED.

JUDITH S. BOGGS
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge