**U.S. Department of Labor** Benefits Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001

BRB No. 21-0590 BLA

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| RICHARD L. CONNER<br><br>Claimant-Petitioner<br><br>v.<br><br>ISLAND CREEK COAL COMPANY<br><br>and<br><br>CONSOL ENERGY, INCORPORATED, c/o SMART CASUALTY CLAIMS<br><br>Employer/Carrier-Respondents<br><br>DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR<br><br>Party-in-Interest | ) | DATE ISSUED: 01/18/2023<br><br>DECISION and ORDER |

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

Richard L. Conner, Richlands, Virginia.

John R. Sigmond (Penn, Stuart & Eskridge), Bristol, Virginia, for Employer and its Carrier.

Before: BOGGS, Chief Administrative Appeals Judge, BUZZARD and ROLFE, Administrative Appeals Judges.

PER CURIAM:

Claimant appeals, without representation,[1] Administrative Law Judge (ALJ) Jonathan C. Calianos's Decision and Order Denying Benefits (2019-BLA-05464) rendered on the miner's initial claim filed on August 13, 2018, pursuant to the Black Lung Benefits Act, as amended, 30 U.S.C. §§901-944 (2018) (the Act). The ALJ found no evidence of complicated pneumoconiosis; therefore, Claimant could not invoke the irrebuttable presumption of total disability due to pneumoconiosis at Section 411(c)(3) of the Act, 30 U.S.C. §921(c)(3) (2018). The ALJ credited Claimant with 6.5 years of qualifying coal mine employment[2] and thus found Claimant 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, the ALJ found Claimant established a totally disabling respiratory or pulmonary impairment but did not establish the existence of pneumoconiosis. Therefore, the ALJ denied benefits.

On appeal, Claimant generally challenges the ALJ's denial of his claim. Employer responds in support of the denial. The Director, Office of Workers' Compensation Programs, did not file a response brief.

In an appeal filed by an unrepresented claimant, the Board addresses whether substantial evidence supports the Decision and Order below. *Hodges v. BethEnergy Mines, Inc.*, 18 BLR 1-84, 1-86 (1994). We must affirm the ALJ's Decision and Order if it is rational, supported by substantial evidence, and in accordance with applicable law.[4] 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).

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[1] Vickie Combs, a benefits counselor with Stone Mountain Health Services of Vansant, Virginia, requested, on Claimant's behalf, the Board review the ALJ's decision, but is not representing Claimant on appeal. *See Shelton v. Claude V. Keene Trucking Co.*, 19 BLR 1-88 (1995) (Order).

[2] The ALJ made this finding in an Order he issued prior to his Decision and Order Denying Benefits. March 15, 2021 Order Finding 6.5 Years of Qualifying Coal Mine Employment (March 15, 2021 Order).

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

[4] The Board will apply the law of the United States Court of Appeals for the Fourth Circuit because Claimant's last coal mine employment occurred in Virginia. *Shupe v. Director,* OWCP, 12 BLR 1-200 (1989) (en banc); Director's Exhibit 3.

**Invocation of the Section 411(c)(3) Presumption – Complicated Pneumoconiosis**

Section 411(c)(3) of the Act, 30 U.S.C. §921(c)(3), provides an irrebuttable presumption that a miner is totally disabled due to pneumoconiosis if he suffers from a chronic dust disease of the lung which: (a) when diagnosed by x-ray, yields one or more large opacities greater than one centimeter in diameter that would be classified as Category A, B, or C; (b) when diagnosed by biopsy or autopsy, yields massive lesions in the lung; or (c) when diagnosed by other means, would be a condition that could reasonably be expected to reveal a result equivalent to (a) or (b). *See* 20 C.F.R. §718.304. The ALJ accurately observed the record contains no evidence of complicated pneumoconiosis. Decision and Order at 5 n.2. Thus, Claimant is unable to invoke the irrebuttable presumption of total disability due to pneumoconiosis at Section 411(c)(3) of the Act, 30 U.S.C. §921(c)(3).

**Invocation of the Section 411(c)(4) Presumption—Length of Coal Mine Employment**

To invoke the Section 411(c)(4) presumption that his total disability is due to pneumoconiosis, Claimant must establish he worked at least fifteen years in underground coal mines, or in "substantially similar" surface coal mine employment. 20 C.F.R. §718.305(b)(1)(i). Claimant bears the burden of establishing the number of years he worked in coal mine employment. *Kephart v. Director, OWCP*, 8 BLR 1-185, 1-186 (1985); *Hunt v. Director, OWCP*, 7 BLR 1-709, 1-710-11 (1985). The Board will uphold an ALJ's calculation of the length of coal mine employment if it is based on a reasonable method of computation and is supported by substantial evidence. *See Muncy v. Elkay Mining Co.*, 25 BLR 1-21, 1-27 (2011).

The ALJ correctly noted Claimant worked for a mining equipment company[5] as a warehouse manager from 1972 to 1978, worked for Employer in underground coal mine employment as a general inside laborer, industrial engineer, and general foreman from June 1978 to November 1984, and also worked for Employer as an accountant from July 30, 1985 until April 22, 1996. March 15, 2021 Order at 2; Hearing Transcript at 11, 13, 23; Director's Exhibit 8. The ALJ found Claimant's work as a warehouse manager and an accountant do not constitute coal mine employment and therefore did not include them in calculating Claimant's length of coal mine employment. March 15, 2021 Order at 4-5. As Employer conceded the qualifying nature of Claimant's underground work as a general inside laborer, industrial engineer, and general foreman, the ALJ found Claimant established 6.5 years of qualifying coal mine employment. We see no error in this finding.

Under the Act, the term "miner" means any individual who works or has worked in or around a coal mine or coal preparation facility in the extraction or preparation of coal. 30 U.S.C. §902(d); *see* 20 C.F.R. §§725.101(a)(19). The United States Court of Appeals

[5] Claimant's Social Security Administration Earnings Records report income from Mining Progress Inc. during this time period. Director's Exhibit 10 at 4.

for the Fourth Circuit has held the definition of a "miner" comprises a "situs" requirement (*i.e.*, that a miner worked in or around a coal mine or coal preparation facility) and a "function" requirement (*i.e.*, that a miner worked in the extraction or preparation of coal). *See Collins v. Director, OWCP*, 795 F.2d 368, 371–72 (4th Cir. 1986); *Eplion v. Director, OWCP*, 794 F.2d 935, 937 (4th Cir. 1986). To satisfy the function requirement, the work must be integral or necessary to the extraction or preparation of coal and not merely incidental or ancillary. *Collins*, 795 F.2d at 371-72; *Eplion*, 794 F.2d at 937.

Employer conceded Claimant's work as a warehouse manager and accountant satisfy the situs prong, so the ALJ considered whether the work satisfies the function prong. March 21, 2015 Order at 3-6. As the ALJ noted with respect to function, federal courts and the Board have held that individuals who service or repair mining equipment and supplies perform the work of a miner, whereas individuals who simply deliver equipment and supplies to mine sites do not. *Etzweiler v. Cleveland Brothers Equipment Co.*, 16 BLR 1-38 (1992) (en banc) ("The repair of mining equipment . . . contributes to the extraction of coal and is integral to the coal production process."); *Hagy v. Director, OWCP*, 11 BLR 1-142 (1988), *aff'd*, No. 88-3809 (4th Cir. Aug. 16, 1988) (unpublished) (delivering limestone dust to coal mines not integral to the extraction of coal); *Rose v. Director, OWCP*, 10 BLR 1-63 (1987), *published on recon.*, 10 BLR 1-71 (1987) (delivering oil and mining lubricants to mine sites not integral to the extraction or production of coal); *Tobrey v. Director, OWCP*, 7 BLR 1-407 (1984) ("repairing and demonstrating mining equipment, although not performed in the employ of a coal company, was performed at a covered situs, clearly contributed to the extraction of coal and was integral to the coal production process"); *Pinkham v. Director, OWCP*, 7 BLR 1-55 (1984) (employment by subsidiary of the operator loading, recharging, and delivering carbon dioxide cylinders on mine premises is integral to the extraction of coal); *Smith v. Central Ohio Coal Co.*, 2 BLR 1-58 (1979) ("repairing machinery and preventing breakdowns" is necessary to coal extraction and production); *Skipper v. Matthews*, 448 F. Supp. 300 (M.D. Pa. 1977) (repairing mining equipment is necessary to the extraction of coal); *see also Consolidation Coal Co. v. McGrath*, 866 F.2d 1004, 12 BLR 2-152 (8th Cir. 1989) (affirming Board's holding that welder/mechanic in a repair garage at a lignite mine is a miner).

The ALJ accurately observed Claimant's duties as a warehouse manager included taking orders for equipment and parts and delivering them to Employer's mines, but he did not unload or install the equipment and parts at the mines, nor did he testify that he or the facility at which he worked repaired or maintained the equipment. March 21, 2015 Order at 4; Hearing Transcript at 11-12, 44, 46. As Claimant simply delivered equipment to mine sites, the ALJ reasonably found that his duties as a warehouse manager were not integral to the extraction or production process and therefore do not satisfy the function prong. *Collins*, 795 F.2d at 371-72; *Eplion*, 794 F.2d at 937; March 21, 2015 Order at 4.

Regarding Claimant's accounting work, the ALJ accurately observed Claimant worked in an office on the mine property for the entirety of his shift, where he handled

payroll, distributed checks, and kept track of the employees' leave and hours worked. March 21, 2015 Order at 4; Hearing Transcript at 23, 29, 34, 39. Claimant's duties also included addressing miners' pay and leave questions, creating railroad tags that others placed on rail cars, and working on the budget. March 21, 2015 Order at 4; Hearing Transcript at 30. The ALJ found Claimant's accounting work was "an essential administrative component" but did not directly affect or relate to the extraction or production of coal. March 21, 2015 Order at 5. At the hearing, Claimant conceded that he never walked around the mine property to collect data, as the information was brought to him. Hearing Transcript at 36. Furthermore, he testified that none of his duties resulted in the production of coal. *Id*. The ALJ permissibly found that Claimant's duties as an accountant do not satisfy the function requirement because they are not integral to the extraction or preparation of coal. *Collins*, 795 F.2d at 371–72; *Eplion*, 794 F.2d at 937; *Amigo Smokeless Coal Co. v. Director, OWCP*, 642 F.2d 68, 69-71 (4th Cir. 1981) (The determination of whether an individual satisfies the definition of a miner is a factual determination for the administrative law judge); March 15, 2021 Order at 4. Therefore, the ALJ permissibly excluded the time Claimant spent working as a warehouse manager (1972-1978) and an accountant (July 30, 1985-April 22, 1996) from his calculation regarding Claimant's length of coal mine employment.

Because Claimant established less than seven years of coal mine employment between June 1978 and November 1984, we affirm the ALJ's determination that Claimant is unable to invoke the Section 411(c)(4) presumption. *See* 30 U.S.C. §921(c)(4) (2018); 20 C.F.R. §718.305(b)(1)(i).

**Entitlement Under 20 C.F.R. Part 718**

To be entitled to benefits under the Act without the application of the Section 411(c)(3) or Section 411(c)(4) presumptions, 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. Failure to establish any one of these elements 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). The ALJ found Claimant failed to establish the existence of clinical or legal pneumoconiosis.[6]

**Pneumoconiosis**

Pursuant to 20 C.F.R. §718.202(a)(1), the ALJ considered nine interpretations of three x-rays dated July 24, 2018, October 19, 2018, and September 23, 2019. Decision and

[6] 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

Order at 6-9. Drs. DePonte, Seaman, Tarver, Miller, and Crum, all dually-qualified Board-certified radiologists and B readers, and Dr. Forehand, a B reader, unanimously interpreted the x-rays as consistent with clinical pneumoconiosis.[7] Director's Exhibits 15, 21; Claimant's Exhibits 1-3; Employer's Exhibits 1-3, 5, 14. Thus, the ALJ permissibly found the x-ray evidence supportive of clinical pneumoconiosis. *See Adkins v. Director, OWCP*, 958 F.2d 49, 52-53 (4th Cir. 1992); *Sea "B" Mining Co. v. Addison*, 831 F.3d 244, 256 (4th Cir. 2016); Decision and Order at 9.

The ALJ next considered six interpretations of four CT scans dated January 21, 2013, May 3, 2013, February 27, 2017, and June 13, 2018, pursuant to 20 C.F.R. §718.107.[8]

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encompasses any chronic pulmonary disease or respiratory or pulmonary impairment significantly related to, or substantially aggravated by, dust exposure in coal mine employment." 20 C.F.R. §718.201(b). Clinical pneumoconiosis consists of "those diseases recognized by the medical community as pneumoconioses, *i.e.*, the conditions characterized by permanent deposition of substantial amounts of particulate matter in the lungs and the fibrotic reaction of the lung tissue to that deposition caused by dust exposure in coal mine employment." 20 C.F.R. §718.201(a)(1).

[7] Dr. Seaman read Claimant's July 24, 2018, October 19, 2018, and September 23, 2019 x-rays as showing small opacities consistent with pneumoconiosis, 1/1. However, her narrative statement accompanying the ILO forms noted "no radiographic findings consistent with coal workers' pneumoconiosis," the opacities "are not typical of coal workers' pneumoconiosis," and they are most consistent with "pulmonary fibrosis" which "can be seen as a manifestation of IPF [idiopathic pulmonary fibrosis], drug toxicity or connective tissue disease." Employer's Exhibits 1, 3, 14. Similarly, Dr. Tarver provided an ILO form interpreting Claimant's October 19, 2018 x-ray as positive for small opacities consistent with pneumoconiosis, 2/2; however, his narrative statement accompanying the ILO form stated there are "no radiographic findings consistent with coal workers' pneumoconiosis" and the opacities are "not typical for coal workers' pneumoconiosis." Employer's Exhibit 2. The ALJ permissibly found "the internal inconsistency between the positive finding of pneumoconiosis on the ILO forms and the alternative diagnosis of pulmonary fibrosis on the narrative forms" detracts from the credibility of the positive interpretations by [Drs.] Tarver and Seaman." Decision and Order at 8-9; *see Underwood v. Elkay Mining, Inc.*, 105 F.3d 946, 949 (4th Cir. 1997); *Lane v. Union Carbide Corp.*, 105 F.2d 166, 174 (4th Cir 1997). Therefore, we affirm his decision to give their interpretations less weight as supporting entitlement. Decision and Order . at 9.

[8] Dr. Seaman reviewed each of the CT scans and stated that a "[c]hest CT scan is more sensitive than chest x-ray for detection and characterization for pulmonary parenchymal abnormalities [and] CT may be useful in confirming or refuting the presence of simple pneumoconiosis." Employer's Exhibit 4. The ALJ permissibly found a CT scan is a medically acceptable tool for diagnosing pneumoconiosis and is "highly probative" as

Decision and Order at 9-11. Dr. Fish interpreted the January 21, 2013 CT scan as showing a noncalcified, nonspecific nodular opacity in the right lower lobe, as well as a bilateral pulmonary artery emboli. Claimant's Exhibit 6. He further stated "[p]atient respiratory motion results in suboptimal evaluation for small pulmonary nodules." *Id.* at 12. Dr. Seaman read this CT scan as showing a chronic pulmonary embolism, scattered discrete pulmonary nodules in the right lower lobe, and "no centrilobular or perilymphatic nodules to suggest coal workers' pneumoconiosis." Employer's Exhibit 6 at 1.

Dr. Seaman interpreted the May 3, 2013 CT scan as "unchanged" in comparison to Claimant's January 21, 2013 CT scan; however, she opined Claimant's basilar pulmonary nodules are likely early usual interstitial pneumonitis (UIP).[9] Employer's Exhibit 7. She reiterated there are no CT findings consistent with coal workers' pneumoconiosis. *Id*. Dr. Seaman interpreted the February 27, 2017 CT scan as showing basilar predominant pulmonary fibrosis in a probable UIP pattern, chronic thromboembolic pulmonary hypertension, and "no upper zone predominant centrilobular or perilymphatic nodules to suggest coal workers' pneumoconiosis." Employer's Exhibit 8 at 1.

Dr. Ramakrishnan interpreted the June 13, 2018 CT scan as showing subpleural interstitial fibrosis, asymmetric to the left and primarily affecting the lung bases. Claimant's Exhibit 7. He noted that these findings "are not pathopneumonic but may reflect a mildly atypical presentation of UIP." *Id*. at 1. Dr. Seaman interpreted this CT scan as showing basilar predominant pulmonary fibrosis in a probable UIP pattern and "no upper zone predominant centrilobular or perilymphatic nodules to suggest coal workers' pneumoconiosis." Employer's Exhibit 9 at 1. Moreover, based on her review of all the CT scans, Dr. Seaman opined there are no findings of coal workers' pneumoconiosis on any of the CT scans and reiterated her diagnosis of pulmonary fibrosis in a probable UIP pattern. Employer's Exhibit 5. She further explained:

> Coal workers pneumoconiosis typically begins as an upper zone predominant small nodular process. There is progression of basilar subpleural pulmonary fibrosis in a probable UIP pattern, which is very minimal in 2013 and progresses on subsequent studies in 2017 and 2018. This likely represents a manifestation of IPF [idiopathic pulmonary fibrosis], drug toxicity, or underlying connective tissue disease. The lack of upper zone predominant

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to the existence of the disease. Decision and Order at 9-10; *see* 20 C.F.R. §718.107; *see Underwood,* 105 F.3d at 949.

[9] Dr. Seaman stated the opacities are better visualized on the May 3, 2013 CT scan than on the January 21, 2013 CT scan "due to better inspiration and less respiratory motion." Employer's Exhibit 7 at 1.

> small nodules or large opacities, and the rapid progression, is very atypical of coal workers' pneumoconiosis.

*Id.* at 1.

As none of the CT scans were interpreted as positive for pneumoconiosis, the ALJ permissibly found the CT scan evidence does not establish clinical pneumoconiosis. Decision and Order at 11. Further finding the readings of Drs. Seaman and Ramakrishnan suggest the abnormalities seen on x-ray are due to UIP rather than pneumoconiosis and that Dr. Fish did not read the January 21, 2013 CT scan for small pulmonary nodules, the ALJ found the CT scan evidence weighs against a finding of clinical pneumoconiosis based on the x-ray evidence. *Id.* at 11, 19. As the ALJ properly considered the CT scans at 20 C.F.R. §718.107 and his finding is supported by substantial evidence, we affirm it. *See Compton v. Island Creek Coal Co.*, 211 F.3d 203, 207-208 (4th Cir. 2000); *Milburn Colliery Co. v. Hicks*, 138 F.3d 524, 528 (4th Cir. 1998).

The ALJ correctly found Claimant cannot establish the existence of pneumoconiosis pursuant to 20 C.F.R. §718.202(a)(2), (3) as there is no biopsy evidence, autopsy evidence, or evidence of complicated pneumoconiosis in the record. 20 C.F.R. §718.202(a)(2), (3); Decision and Order at 5 n.2; 6 n.3.

Pursuant to 20 C.F.R. §718.202(a)(4), the ALJ next considered the opinions of Drs. Forehand, Go, and McSharry, in conjunction with treatment records from two pulmonologists, Drs. Robinette and Jawad; a cardiologist, Dr. Luff; and Nurse Practitioner Jody Willis. Decision and Order at 12-23. Drs. Forehand, Jawad, and Go, and Nurse Practitioner Willis diagnosed clinical and legal pneumoconiosis, while Drs. McSharry, Robinette, and Luff did not diagnose either form of the disease. Director's Exhibits 15, 20, 37; Claimant's Exhibits 8-11; Employer's Exhibits 4, 10-13, 16-17.

Dr. Forehand diagnosed clinical pneumoconiosis based on the October 19, 2018 x-ray; he diagnosed legal pneumoconiosis in the form of interstitial lung disease with gas exchange abnormality due to 12.33 years of coal mine employment. Director's Exhibits 15, 20. The ALJ permissibly found Dr. Forehand's diagnoses not credible because he failed to consider the more sensitive negative CT scan evidence and relied on an inflated coal mine employment history that is "nearly double [the ALJ's] finding of 6.5 years." Decision and Order at 18-19; *see Compton*, 211 F.3d at 211; *Grizzle v. Pickands Mather & Co.*, 994 F.2d 1093, 1096 (4th Cir. 1993); *Mabe v. Bishop Coal Co.*, 9 BLR 1-67, 1-68 (1986).

Nurse Practitioner Willis noted clinical pneumoconiosis based on Claimant's September 23, 2019 x-ray; she also diagnosed Claimant with a disabling restriction and opined that it is secondary to his clinical pneumoconiosis and 12 to 15 years of coal dust exposure. Claimant's Exhibits 9 at 1, 11 at 1. The ALJ permissibly discounted her opinion as she did not address the evidence suggesting the x-ray abnormalities are UIP rather than

pneumoconiosis and because she considered an inflated coal mine employment history. *Compton*, 211 F.3d at 211; *Grizzle*, 994 F.2d at 1096; Decision and Order at 19.

Dr. Jawad diagnosed both clinical pneumoconiosis and pulmonary fibrosis with UIP pattern due to 17.75 years of coal dust exposure based on the abnormalities seen on Claimant's x-rays and CT scans. Claimant's Exhibit 8 at 2, 5. The ALJ permissibly discounted his diagnosis of clinical pneumoconiosis as inconsistent with his weighing of the CT scan evidence. *Compton*, 211 F.3d at 211; *Grizzle*, 994 F.2d at 1096; Decision and Order at 20. Additionally, the ALJ permissibly discounted his diagnosis of pulmonary fibrosis due to coal dust exposure because Dr. Jawad relied upon an inflated coal mine employment history that is "nearly triple" the ALJ's finding of 6.5 years. *See Compton*, 211 F.3d at 211; *Grizzle*, 994 F.2d at 1096; *Clark v. Karst-Robbins Coal Co*., 12 BLR 1-149 (1989) (en banc); Decision and Order at 19-20.

Dr. Go diagnosed Claimant with a restrictive impairment and diffuse dust-related fibrosis due to 12.33 years of coal mine employment. Claimant's Exhibit 10. In support, Dr. Go cited a study which found interstitial lung fibrosis with or without coal dust pigmentation is much more prevalent in miners than in the general population. *Id*. The ALJ permissibly rejected Dr. Go's opinion because he relied on general statistics rather than specifically explaining why Claimant's pulmonary fibrosis constituted legal pneumoconiosis. *See Harman Mining Co. v. Director, OWCP* [*Looney*], 678 F.3d 305 (4th Cir. 2012) (ALJ may discredit opinions based on general statistics rather than the particularized facts about the miner); Decision and Order at 21. Because there is no other opinion supporting a finding of pneumoconiosis, we affirm the ALJ's determination that the medical opinions do not establish the existence of clinical or legal pneumoconiosis. 20 C.F.R. §718.202(a)(4); *Compton*, 211 F.3d at 207-208; *Hicks*, 138 F.3d 524, 528; Decision and Order at 23.

Weighing all the evidence together, the ALJ found the preponderance of evidence does not establish Claimant has clinical or legal pneumoconiosis. He permissibly found the more-sensitive CT scan evidence entitled to greater weight than the positive x-ray readings. *Lane v. Union Carbide Corp*., 105 F.2d 166, 174 (4th Cir 1997); *Mabe*, 9 BLR at 1-68. Further, as he permissibly found no physician credibly diagnosed the disease and the record contains no other relevant evidence, we affirm that Claimant did not establish pneumoconiosis at 20 C.F.R. §718.202(a). *Compton*, 211 F.3d at 207-208; Decision and Order at 23.

Because Claimant did not establish pneumoconiosis, an essential element of entitlement, we affirm the ALJ's denial of benefits. *Trent*, 11 BLR at 1-27.

Accordingly, we affirm the ALJ's Decision and Order Denying Benefits.

SO ORDERED.

JUDITH S. BOGGS, Chief
Administrative Appeals Judge

GREG J. BUZZARD
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge