U.S. Department of Labor

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

BRB No. 22-0524 BLA

DARRELL G. MEADE	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	
	)	
DOMINION COAL CORPORATION	)	
	)	
and	)	
	)	DATE ISSUED: 11/07/2023
SUNCOKE ENERGY, INCORPORATED	)	
	)	
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 on Remand of Timothy J. McGrath, Administrative Law Judge, United States Department of Labor.

Charity A. Barger (Street Law Firm, LLP), Grundy, Virginia, for Employer and its Carrier.

William M. Bush (Seema Nanda, Solicitor of Labor; Barry H. Joyner, Associate Solicitor; Andrea J. Appel, Counsel for Administrative Appeals), Washington, D.C., for the Director, Office of Workers' Compensation Programs, United States Department of Labor.

Before: GRESH, Chief Administrative Appeals Judge, ROLFE and JONES, Administrative Appeals Judges.

PER CURIAM:

Employer and its Carrier (Employer) appeal Administrative Law Judge (ALJ) Timothy J. McGrath's Decision and Order Awarding Benefits on Remand (2017-BLA-06279) rendered on a claim filed on March 20, 2017, pursuant to the Black Lung Benefits Act, as amended, 30 U.S.C. §§901-944 (2018) (Act).[1] This case is before the Benefits Review Board for the second time.[2]

In his initial Decision and Order Denying Benefits, the ALJ found the evidence insufficient to establish complicated pneumoconiosis and thus found 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); 20 C.F.R. §718.304. While he credited Claimant with 37.39 years of qualifying coal mine employment, he found Claimant failed to establish a totally disabling respiratory or pulmonary impairment. 20 C.F.R. §718.204(b)(2). The ALJ therefore found Claimant did not invoke the presumption of total disability due to pneumoconiosis at Section 411(c)(4) of the Act,[3] 30 U.S.C. §921(c)(4) (2018), or establish entitlement under 20 C.F.R. Part 718. Accordingly, he denied benefits.

In considering Claimant's appeal, the Board affirmed the ALJ's determination that the x-ray evidence alone does not support a finding of complicated pneumoconiosis at 20 C.F.R. §718.304(a). *Meade v. Dominion Coal Corp.*, BRB No. 20-0367 BLA, slip op. at 4 (Sept. 23, 2021) (unpub.). However, because the ALJ failed to resolve the conflicts in the computed tomography (CT) scan and medical opinion evidence regarding the etiology of large opacities identified in Claimant's lungs, the Board vacated the denial of benefits

[1] Claimant filed two prior claims but withdrew them. Director's Exhibit 40. A withdrawn claim is considered not to have been filed. *See* 20 C.F.R. §725.306(b).

[2] We incorporate by reference the relevant procedural history set forth in our prior decision in this case. *Meade v. Dominion Coal Corp.*, BRB No. 20-0367 BLA (Sept. 23, 2021) (unpub.).

[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.

and remanded the case for further consideration as to whether Claimant suffers from complicated pneumoconiosis. *Id*. at 8-11.

On remand, the ALJ found Claimant established complicated pneumoconiosis and invoked the irrebuttable presumption. 30 U.S.C. §921(c)(3); 20 C.F.R. §718.304. He further found Claimant's complicated pneumoconiosis arose out of his coal mine employment and awarded benefits. 20 C.F.R. §718.203(b).

In this appeal, Employer argues the ALJ lacked authority to hear and decide the case because he was not appointed in a manner consistent with the Appointments Clause of the Constitution, Art. II § 2, cl. 2.[4] It also argues the removal provisions applicable to ALJs rendered his appointment unconstitutional. Employer further argues the Board exceeded its scope of review in the prior appeal in vacating the ALJ's findings on complicated pneumoconiosis. Regarding the ALJ's findings on remand, Employer argues the ALJ erred in concluding Claimant established complicated pneumoconiosis based on Dr. DePonte's CT scan readings and invoked the irrebuttable presumption. Claimant has not filed a response brief. The Director, Office of Workers' Compensation Programs (the Director), filed a limited response, urging the Board to reject Employer's challenges to the ALJ's appointment, the removal provisions applicable to Department of Labor (DOL) ALJs, and the Board's review authority. The Director, however, takes no position on the merits of Claimant's entitlement to benefits. Employer filed a reply brief, reiterating its contentions.

The 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, 362 (1965).

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[4] Article II, Section 2, Clause 2, sets forth the appointing powers:

> [The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

U.S. Const. art. II, § 2, cl. 2.

[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 Virginia or

Board's Review Authority – Law of the Case

Contrary to Employer's contention, the Board did not exceed its authority in considering Claimant's unrepresented appeal. An unrepresented miner is not required to raise specific arguments for the Board to consider whether substantial evidence supports the ALJ's decision. 20 C.F.R. §§802.211(e), 802.220; *McFall v. Jewell Ridge Coal Corp.*, 12 BLR 1-176, 1-177 (1989) (Order). In examining whether the ALJ's findings were supported by substantial evidence, it was apparent he failed to resolve conflicts in the CT scan evidence and properly explain why he concluded Claimant did not establish complicated pneumoconiosis. Employer's Brief at 10-13; Employer's Reply Brief at 2-3; *see Meade*, BRB No. 20-0367 BLA, slip op. at 4-10. Nowhere did the Board suggest that in resolving that conflict on remand the ALJ was bound by United States Court of Appeals for the Eleventh Circuit precedent or unpublished Board cases that the Board cited beyond the extent he found those cases persuasive. As Employer has not shown that the Board's prior holding was clearly erroneous or set forth any other valid exception to the law of the case doctrine, we decline to disturb the Board's prior determinations. *Brinkley v. Peabody Coal Co.*, 14 BLR 1-147, 1-150-51 (1990); *Bridges v. Director, OWCP*, 6 BLR 1-988, 1-989-90 (1984).

Appointments Clause/Removal Provisions

Employer urges the Board to vacate the ALJ's decision and remand this case to be heard by a different, constitutionally appointed ALJ pursuant to *Lucia v. SEC*, 585 U.S. , 138 S. Ct. 2044 (2018).[6] Employer's Brief at 22-30; Employer's Reply Brief at 3-9. It acknowledges the Secretary of Labor ratified the prior appointments of all sitting DOL

West Virginia. *See Shupe v. Director, OWCP*, 12 BLR 1-200, 1-202 (1989) (en banc); Director's Exhibit 4; Hearing Transcript at 31-38, 47-48.

[6] *Lucia* involved a challenge to the appointment of a Securities and Exchange Commission (SEC) ALJ. The United States Supreme Court held that, similar to Special Trial Judges at the United States Tax Court, SEC ALJs are "inferior officers" subject to the Appointments Clause. *Lucia v. SEC*, 585 U.S. , 138 S. Ct. 2044, 2055 (2018) (citing *Freytag v. Comm'r*, 501 U.S. 868 (1991)). The Department of Labor has conceded the Supreme Court's holding in *Lucia* applies to its ALJs. *Big Horn Coal Co. v. Sadler*, 10th Cir. No. 17-9558, Brief for the Fed. Resp. at 14 n.6.

ALJs on December 21, 2017,[7] but it maintains the ratification was insufficient to cure the constitutional defect in the ALJ's prior appointment. *Id*.

Employer also challenges the constitutionality of the removal protections afforded DOL ALJs. Employer's Brief at 27-30; Employer's Reply Brief at 7-9. It generally argues the removal provisions in the Administrative Procedure Act (APA), 5 U.S.C. §7521, are unconstitutional, citing Justice Breyer's separate opinion and the Solicitor General's argument in *Lucia*. Employer's Brief at 27-30. It also relies on the Supreme Court's holdings in *Free Enter. Fund v. Public Co. Accounting Oversight Bd.*, 561 U.S. 477 (2010), and *United States v. Arthrex, Inc.*, 594 U.S. , 141 S. Ct. 1970, 1984 (2021). *Id*. at 26-30. For the reasons set forth in *Johnson v. Apogee Coal Co.*, BLR , 22-0022 BLA, slip op. at 3-6 (May 26, 2023), *appeal docketed*, No. 23-3612 (6th Cir. July 25, 2023), and *Howard v. Apogee Coal Co*., 25 BLR 1-301, 1-307-08 (2022), we reject Employer's arguments.

Section 411(c)(3) Presumption – Complicated Pneumoconiosis

Section 411(c)(3) of the Act 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 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;[8] or (c) when diagnosed by other means, is a condition that would yield results equivalent to (a) or (b). 30 U.S.C. §921(c)(3); 20 C.F.R. §718.304.

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[7] The Secretary of Labor issued a letter to the ALJ on December 21, 2017, stating:

> In my capacity as head of the Department of Labor, and after due consideration, I hereby ratify the Department's prior appointment of you as an Administrative Law Judge. This letter is intended to address any claim that administrative proceedings pending before, or presided over by, administrative law judges of the U.S. Department of Labor violate the Appointments Clause of the U.S. Constitution. This action is effective immediately.

Secretary's December 21, 2017 Letter to ALJ McGrath.

[8] There is no biopsy evidence for consideration in this miner's claim. *Meade*, BRB No. 20-0367 BLA, slip op. at 3.

The ALJ must determine whether the evidence in each category tends to establish the existence of complicated pneumoconiosis, and then must weigh the evidence at subsections (a), (b), and (c) together before determining whether Claimant has invoked the irrebuttable presumption. *See Westmoreland Coal Co. v. Cox*, 602 F.3d 276, 283 (4th Cir. 2010); *E. Assoc. Coal Corp. v. Director, OWCP* [*Scarbro*], 220 F.3d 250, 255-56 (4th Cir. 2000); *Melnick v. Consolidation Coal Co.*, 16 BLR 1-31, 1-33 (1991) (en banc).

On remand, the ALJ relied on Dr. DePonte's positive x-ray readings to find Claimant established complicated pneumoconiosis, and he rejected the medical opinions that were contrary to that finding. Decision and Order on Remand at 8 (citing *Scarbro*, 220 F.3d at 256). Employer contends the ALJ failed to adequately explain his credibility findings. We disagree.

CT Scan Evidence

The ALJ reconsidered Drs. DePonte's and Adcock's readings of two CT scans dated September 14, 2017, and January 26, 2018.[9] Decision and Order on Remand at 3-6. A detailed description of the CT scan evidence is set out in the Board's prior decision and is incorporated herein. *Meade*, BRB No. 20-0367 BLA, slip op. at 5-6.

In accordance with the Board's remand instructions,[10] the ALJ first resolved whether certain portions of Drs. DePonte's and Adcock's reports are addressing the same nodules or opacities. He determined that Drs. Adcock and DePonte both identify a large nodule that measures in excess of one centimeter in the right upper lung zone next to the azygous vein. Decision and Order on Remand at 5. As the ALJ noted, Dr. Adcock measured the opacity as 2 centimeters in length and 7 millimeters thick. *Id.*; Employer's Exhibit 9 at 2. Dr. Adcock described the nodule as a coalescence of smaller opacities spanning four layers of pleura, indicative of simple pneumoconiosis including typical centrilobular small opacities and extensive pleural pseudoplaque formation. Employer's Exhibit 9 at 1-2. By contrast, Dr. DePonte observed coalescence in the right upper lobe

[9] The ALJ found Drs. DePonte and Adcock are equally qualified to interpret CT scans. Decision and Order on Remand at 5.

[10] The Board instructed the ALJ to address whether Dr. Adcock's statements on the nodules he found correspond to the same nodules Dr. DePonte referenced as being "within the lung parenchyma" that coalesced to form large opacities measuring at least 1.9 centimeters and 1.2 centimeters in the left upper lung zone and 2.4 centimeters in the right upper lung zone. *Meade*, BRB No. 20-0367 BLA, slip op. at 9.

"with the formation of a large opacity adjacent to the azygous vein measuring approximately 17 by 8.5 mm," which she also described as "in the typical location of a large opacity of complicated coal workers' pneumoconiosis." Claimant's Exhibit 2.

The ALJ found Dr. DePonte's readings attributing Claimant's pleural nodules to complicated pneumoconiosis was more thorough and well-explained than Dr. Adcock's contrary readings. Decision and Order on Remand at 6. The ALJ also found Dr. Adcock's opinion unpersuasive because he failed to adequately explain why pleural pseudoplaques are necessarily inconsistent with complicated pneumoconiosis. *Id*.

In addition to the pleural opacities near the azygous vein, the ALJ also considered, in accordance with the Board's remand instruction, whether nodules in other areas of the Claimant's lungs could meet the regulatory standard for complicated pneumoconiosis. Specifically, the ALJ stated:

> Dr. Adcock identified other "similar sized and oriented nodules" in the upper lobes but declined to expand on the size and shape of those nodules, merely concluding that they do not constitute complicated pneumoconiosis. Dr. DePonte, by contrast, concluded these "peripheral nodules" coalesced to form large opacities measuring "at least 19 mm and 12 mm in the upper lung zone and 24 mm in the right upper zone." Based on these measurements, she opined that the opacities would be classified as a category B. Once again, I find Dr. Adcock stated his opinion, that the clustering of nodules does not form a large opacity, without explaining how he reached that conclusion. Dr. DePonte, however, persuasively outlines the measurements of the smaller nodules and explains how they coalesce to form a large opacity meeting the definition of complicated pneumoconiosis.

Decision and Order on Remand at 5 (citations omitted). Thus, crediting Dr. DePonte's interpretations, the ALJ found Claimant established complicated pneumoconiosis based on the CT scan evidence. 20 C.F.R. §718.304(c).

Employer generally contends the ALJ erred in crediting Dr. DePonte's CT scan readings because he rejected them in his initial decision. Employer's Brief at 20. We disagree. The effect of the Board's vacating the ALJ's prior decision was to return the parties to the status quo ante, with all of the rights, benefits, or obligations they had prior to the issuance of the ALJ's decision. *See Dale v. Wilder Coal Co.*, 8 BLR 1-119, 1-120 (1985); *Meade*, BRB No. 20-0367 BLA, slip op. at 8-10. Consequently, the ALJ was permitted to reconsider the credibility of Dr. DePonte's opinion and was not bound by his prior findings regarding it.

Further, the ALJ noted that he had discredited Dr. DePonte's opinion previously because she did not specifically state that her conclusions were made within a reasonable degree of medical certainty. Decision and Order at 6 n.3. But the regulations do not require such a statement and, in further consideration of the totality of Dr. DePonte's opinion, the ALJ permissibly concluded it was reasoned and documented. *Id*.; *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).

Employer next argues the ALJ should have given more weight to Dr. Adcock's CT scan readings because he referenced medical literature and attached images to his report to support his opinion that pleural opacities are not found in complicated pneumoconiosis. Employer's Brief at 16-21. We disagree. Because the medical literature Dr. Adcock referenced is not in the record, the ALJ was unable to review it to determine whether Dr. Adcock accurately characterized it or provide context for the images Dr. Adcock relied on.[11] *See* 20 C.F.R. §802.301(a), (b); *see also Berka v. N. Am. Coal Corp*., 8 BLR 1-183, 1-184 (1985) (Board is not empowered to consider evidence that is "not part of the record" before the ALJ).

Moreover, the ALJ permissibly concluded Dr. Adcock's overall rationale was unpersuasive as the regulations do not preclude a finding of complicated pneumoconiosis based on the location of large opacities in the lung pleura. 20 C.F.R. §718.304; *see Pittsburg & Midway Coal Mining Co. v. Director, OWCP* [*Cornelius*], 508 F.3d 975, 978-79 (11th Cir. 2007) (affirming an ALJ's finding of complicated pneumoconiosis based on a physician's observation of a lesion of 1.2 centimeters in the pleura); *Dagnan v. Black Diamond Coal Mining Co.*, 994 F.2d 1536, 1538 (11th Cir. 1993) (biopsy showing severe anthracosis and a benign subpleural anthracotic plaque sufficient to establish pneumoconiosis); *Werzbicke v. Consol Energy, Inc*., BRB No. 20-0117 BLA, slip op. at 4-5 (Feb. 24, 2021) (unpub.) (chain of conglomerate nodules measuring 1.1 centimeters in length and 0.2 centimeters in width satisfied the statutory and regulatory definition of

[11] Dr. Adcock stated: "Numerous authors have documented the occurrence of these pleural-based findings in simple coal workers' pneumoconiosis (CWP) and their distinction from the intraparenchymal fibrotic large opacities characteristic of complicated CWP)." Employer's Exhibit 9 at 1. He then cited "1, 2, 3," apparently referencing the first three sources of medical literature noted on the last page of his report. *Id*. at 1, 3. Moreover, Dr. Adcock attached images of "pleural pseudoplaques in silicosis/CWP that are arguably more pronounced than those demonstrated in [Claimant's] scans," and he cited the source of the images on the last page of his report. *Id*. at 2-3. Dr. Adcock did not attach a copy of the medical literature he cited to his report and Employer does not assert the medical literature appears in the record.

complicated pneumoconiosis); Decision and Order on Remand at 6; Employer's Exhibits 1, 9.

We further affirm the ALJ's rejection of Dr. Adcock's opinion because he excluded a diagnosis of complicated pneumoconiosis, in part, based on the thickness of the pleural nodule (7 millimeters) when the relevant issue under the regulation is the diameter of the pleural nodule, which Dr. Adcock agreed is almost 2 centimeters long. *Werzbicke v. Consol Energy, Inc.*, BRB No. 20-0117 BLA (Feb. 24, 2021) (unpub.); *Gregory v. Barnes & Tucker, Co.*, BRB No. 19-0290 BLA (May 29, 2020) (unpub.); *Barbus v. Florence Mining Co.*, BRB No. 05-0213 BLA (Jul. 29, 2005) (unpub.).

Finally, Employer argues the ALJ misstated that Dr. Adcock did not provide measurements to dispute Dr. DePonte's description of bilateral complicated pneumoconiosis. Employer's Brief at 19-20. We disagree. After noting the pleural pseudoplaque in the right upper lobe was 2 centimeters in length and 7 millimeters in thickness, Dr. Adcock described other "similarly sized and oriented nodules are present in the upper lobes bilaterally, each demonstrating a subpleural epicenter." Employer's Exhibit 9 at 2. Dr. Adcock did not provide exact measurements of the similarly sized large nodules, although he did provide the size of a coalescence of small opacities in the *right upper lobe* as 4 millimeters by 8 millimeters. *Id*. at 1-2. As we noted above, Dr. DePonte observed additional large opacities measuring at least 1.9 centimeters and 1.2 centimeters in the left upper lung zone and 2.4 centimeters in the right upper lung zone, and she noted "several other opacities" exceeding one centimeter that would be classified as category B large opacities because the sum of their greatest dimension exceeds 5 centimeters. Claimant's Exhibit 2 at 1-2.

We see no error in the ALJ's determination that Dr. Adcock's opinion lacks sufficient detail to detract from the persuasiveness of Dr. DePonte's radiographic findings of multiple areas of complicated pneumoconiosis, Category B, in Claimant's lungs. *See Hicks*, 138 F.3d at 533; *Akers*, 131 F.3d at 441. The ALJ permissibly credited Dr. DePonte's CT scan readings because she provided specific measurements and locations of the large nodules she saw on the CT scans and provided the necessary equivalency determination.[12] *See Cox*, 602 F.3d at 287; *Scarbro*, 220 F.3d at 256; *Double B Mining*,

[12] Counter to Employer's counsel's statement that a pleural abnormality "cannot be classified as a large opacity on a chest x-ray," Employer's Brief at 16, Dr. DePonte's interpretations satisfy the equivalency requirement as she unambiguously stated, "The large opacities would measure similar in size and greater than one centimeter on a standard chest radiograph (x-ray)." Claimant's Exhibit 2 at 2; *see* 20 C.F.R. §718.304(c); *Double B Mining, Inc. v. Blankenship*, 177 F.3d 240, 243 (4th Cir. 1999).

Inc. v. Blankenship, 177 F.3d 240, 243 (4th Cir. 1999); Decision and Order on Remand at 5-6 & n.3.

Because it is supported by substantial evidence, we affirm the ALJ's finding that Claimant established complicated pneumoconiosis based on the CT scan evidence at 20 C.F.R. §718.304(c). *See Underwood v. Elkay Mining, Inc.*, 105 F.3d 946, 949 (4th Cir. 1997); *Doss v. Itmann Coal Co.*, 53 F.3d 654, 659 (4th Circ. 1995) (substantial evidence means only evidence of sufficient quality and quantity as a reasonable mind might accept as adequate to support the finding under review).

Medical Opinions and Weighing the Evidence as a Whole

The ALJ also reconsidered Dr. Forehand's opinion that Claimant has complicated pneumoconiosis and the contrary opinions of Drs. Fino, McSharry, and Forehand. The ALJ gave little weight to each of the physician's opinions because he found they were merely restatements of the CT scan evidence. Contrary to Employer's contentions, the ALJ permissibly gave little weight to the opinions of Drs. Fino and McSharry because they relied on Dr. Adcock's CT scan readings, which the ALJ rejected. *See Island Creek Coal Co. v. Compton*, 211 F.3d 203, 211-12 (4th Cir. 2000) (ALJ erred in relying on a doctor's opinion of simple clinical pneumoconiosis because it was based on a positive x-ray which the ALJ had discredited). Thus, we affirm the ALJ's finding that the medical opinions neither establish nor refute a finding of complicated pneumoconiosis. 20 C.F.R. §718.304(c); Decision and Order on Remand at 7.

Weighing the evidence as a whole, the ALJ found Claimant established complicated pneumoconiosis based on Dr. DePonte's positive CT scan readings. As the ALJ thoroughly discussed all the relevant evidence and explained his credibility findings, we affirm his conclusion that Claimant invoked the irrebuttable presumption as supported by substantial evidence. *See Underwood*, 105 F.3d at 949; *Lester v. Director, OWCP*, 993 F.2d 1143, 1145-46 (4th Cir. 1993); *see also Harman Mining Co. v. Director, OWCP* [*Looney*], 678 F.3d 305, 316 (4th Cir. 2012) (If a reviewing court can discern what the ALJ did and why they did it, the duty of explanation under the APA is satisfied.).

We further affirm, as unchallenged, the ALJ's determination that Claimant's complicated pneumoconiosis arose out of his 37.39 years of coal mine employment. 20 C.F.R. §718.203(b); *see The Daniels Co. v. Director, OWCP* [*Mitchell*], 479 F.3d 321, 337 (4th Cir. 2007); *Skrack v. Island Creek Coal Co.*, 6 BLR 1-710, 1-711

(1983); *Meade*, BRB No. 20-0367 BLA, slip op. at 10 n.10; Decision and Order on Remand at 8.

Accordingly, we affirm the ALJ's Decision and Order Awarding Benefits on Remand.

SO ORDERED.

DANIEL T. GRESH, Chief
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge