

PART VI

ESTABLISHING ENTITLEMENT UNDER 20 C.F.R. PART 410

B. EXISTENCE OF PNEUMOCONIOSIS

The regulations provide that a claimant may establish the existence of "true" or "clinical" pneumoconiosis by objective medical evidence, namely x-ray, biopsy, or autopsy. 20 C.F.R. §§410.414(a), 410.454(a). As a threshold requirement under these regulations, the quality standards of 20 C.F.R. §410.428 must be met. See Part IV.D.6.a. of the Desk Book.

CASE LISTINGS

[biopsy evidence showing "pulmonary anthracosis with scarring" sufficient evidence to sustain finding of pneumoconiosis under Section 410.414(a)] *Luketich v. Bethlehem Mines Corp.*, 2 BLR 1-393 (1979).

DIGESTS

6/95