U.S. Department of Labor

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

BRB No. 17-0680 BLA

DON ROGER TACKETT	)	
	)	
Claimant-Petitioner	)	
	)	
v.	)	
	)	
JOSHCO MINING, INCORPORATED	)	DATE ISSUED: 12/21/2018
	)	
Employer-Respondent	)	
	)	
DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR	)	
	)	
Party-in-Interest	)	DECISION and ORDER

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

D. Tyler Roberts (Roberts Law Office PLLC), Lexington, Kentucky, for claimant.

Cody F. Fox (Penn, Stuart & Eskridge), Bristol, Virginia, for employer.

Rita A. Roppolo (Kate S. O'Scannlain, Solicitor of Labor; Kevin Lyskowski, Acting Associate Solicitor; Michael J. Rutledge, Counsel for Administrative Litigation and Legal Advice), Washington, D.C., for the Director, Office of Workers' Compensation Programs, United States Department of Labor.

Before: HALL, Chief Administrative Appeals Judge, BOGGS and GILLIGAN, Administrative Appeals Judges.

PER CURIAM:

Claimant appeals the Decision and Order Denying Benefits (2015-BLA-05016) of Administrative Law Judge Joseph E. Kane rendered on a claim filed pursuant to the provisions of the Black Lung Benefits Act, as amended, 30 U.S.C. §§901-944 (2012) (the Act). This case involves a miner's claim filed on May 30, 2013.

Based on his determination that claimant worked 11.73 years in coal mine employment, the administrative law judge found that claimant was unable to 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)(2012).[1] The administrative law judge next considered whether the evidence is sufficient to establish entitlement to benefits without the aid of the Section 411(c)(4) presumption. He found that claimant established the existence of clinical pneumoconiosis arising out of coal mine employment pursuant to 20 C.F.R. §§718.202(a) and 718.203(b), but did not establish that he has legal pneumoconiosis.[2] The administrative law judge also found that while claimant established total disability pursuant to 20 C.F.R. §718.204(b)(2),[3] he failed to establish that his total disability is due to pneumoconiosis pursuant to 20 C.F.R. §718.204(c). Thus the administrative law judge denied benefits.

On appeal, claimant argues that the administrative law judge erred in finding that he did not establish at least fifteen years of qualifying coal mine employment. Claimant also contends that the administrative law judge erred in finding that the medical opinion evidence did not establish the existence of legal pneumoconiosis pursuant to 20 C.F.R.

[1] Under Section 411(c)(4), claimant is entitled to a rebuttable presumption that he is totally disabled due to pneumoconiosis if he establishes at least fifteen years of underground coal mine employment, or coal mine employment in conditions substantially similar to those in an underground mine, and a totally disabling respiratory or pulmonary impairment. 30 U.S.C. §921(c)(4) (2012); 20 C.F.R. §718.305.

[2] The existence of pneumoconiosis may be established by evidence that claimant suffers from either legal or clinical pneumoconiosis. 20 C.F.R. §718.201(a). "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). "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).

[3] The administrative law judge noted that the parties agreed that claimant has clinical pneumoconiosis and a totally disabling respiratory impairment. Decision and Order at 3 n.10, 17-19.

§718.202(a)(4) and total disability due to pneumoconiosis pursuant to 20 C.F.R. §718.204(c). Further, claimant asserts that the Director, Office Workers' Compensation Programs (the Director), failed to provide him with a complete pulmonary evaluation sufficient to substantiate his claim, as required by Section 413(b) of the Act, 30 U.S.C. §923(b), 20 C.F.R. §725.406(a). Employer responds in support of the denial of benefits. The Director has filed a limited response brief, arguing that she has satisfied her obligation to provide claimant with a pulmonary evaluation that complies with the requirements of Section 413(b).[4]

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

I. Invocation of the Section 411(c)(4) Presumption

Length of Coal Mine Employment

Claimant contends that the administrative law judge erred in crediting him with less than fifteen years of coal mine employment and, therefore, erred in determining that he could not invoke the Section 411(c)(4) presumption.[6] Claimant's Brief at 2-4. For the reasons set forth below, we disagree with claimant.

Claimant bears the burden of proof to establish the number of years he worked in coal mine employment. *Kephart v. Director, OWCP*, 8 BLR 1-185, 1-186 (1985); *Hunt v.*

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[4] We affirm, as unchallenged on appeal, the administrative law judge's findings that claimant established the existence of clinical pneumoconiosis arising out of coal mine employment pursuant to 20 C.F.R. §§718.202(a), 718.203(b), and total disability pursuant to 20 C.F.R. §718.204(b)(2). *See Skrack v. Island Creek Coal Co.*, 6 BLR 1-710, 1-711 (1983); Decision and Order at 18-19.

[5] This case arises within the jurisdiction of the United States Court of Appeals for the Sixth Circuit, as claimant's coal mine employment was in Kentucky. *See Shupe v. Director, OWCP*, 12 BLR 1-200, 1-202 (1989) (en banc); Director's Exhibit 3.

[6] The administrative law judge acknowledged employer's concession to fourteen years of coal mine employment, as found by the district director, but determined that the record does not support that conclusion. Decision and Order at 4, 7; Director's Exhibits 3, 35; Hearing Transcript at 9, 10.

Director, OWCP, 7 BLR 1-709, 1-710-11 (1985); *Shelesky v. Director, OWCP*, 7 BLR 1-34 (1984). As the regulations provide only limited guidance for the computation of time spent in coal mine employment, the Board will uphold the administrative law judge's determination if it is based on a reasonable method of calculation and supported by substantial evidence in the record. *See Muncy v. Elkay Mining Co.*, 25 BLR 1-21, 1-27 (2011); *Vickery v. Director, OWCP*, 8 BLR 1-430, 1-432 (1986).

The administrative law judge considered claimant's hearing testimony, Social Security Administration (SSA) earnings records, and the work history provided on his employment history form, which reflect coal mine employment between 1976 and 1996. Decision and Order at 4-7; Director's Exhibits 3, 6; Hearing Transcript at 11-21, 31-37. The administrative law judge found that claimant's SSA earnings records are the most reliable evidence of his employment as they are more detailed than his testimony and employment history form. Decision and Order at 5. For claimant's employment prior to 1978, when SSA reported earnings on a quarterly basis, the administrative law judge credited claimant with each quarter of coal mine employment in which he earned at least $50.00. Decision and Order at 5. Finding that claimant earned more than $50.00 in five quarters between 1976 and 1977, the administrative law judge credited claimant with 1.25 years of coal mine employment through 1977.[7] *Id.*

For the years after 1978, when SSA only reported annual earnings, the administrative law judge referenced the regulation at 20 C.F.R. §725.101(a)(32), which defines a year of employment as a period of one calendar year, or partial periods totaling one year, during which a miner worked for at least 125 working days. *See* 20 C.F.R. §725.101(a)(32); Decision and Order at 5. The administrative law judge determined that claimant's SSA earnings records, together with his testimony, supported the conclusion that in 1978 and 1979 he was continuously employed for the full calendar year at Melody Mountain Coals, Incorporated or its successor company, A&T Mining Company, Incorporated. Decision and Order at 6; Hearing Transcript at 12-14, 31. Further, for 1978 and 1979, claimant's yearly earnings exceeded the coal mine industry's average earnings

[7] Claimant's Social Security Administration (SSA) earnings records show that he earned $371.00 with Hampton & Hampton Coal Company in the last quarter of 1976. Director's Exhibit 6. He also worked for Melody Mountain Coals, Incorporated and earned $2,071.65 in the last quarter of 1976, $897.54 in the first quarter of 1977, $2,459.86 in the second quarter of 1977, $1,989.82 in the third quarter of 1977, and $3,177.79 in the last quarter of 1977. *Id.*

of employees in coal mining for a 125-day period, as set forth in Exhibit 610[8] of the Office of Workers' Compensation Programs' *Coal Mine (Black Lung Benefits Act) Procedure Manual (BLBA Procedure Manual)*. *See* 20 C.F.R. §725.101(a)(32)(i); Decision and Order at 5. Therefore the administrative law judge credited claimant with two years of coal mine employment for 1978 and 1979. *Id*. at 6.

For the years 1980 through 1996, when claimant had multiple employers, the administrative law judge stated that he could not determine the beginning and ending dates of claimant's employment and therefore applied the formula at 20 C.F.R. §725.101(a)(32)(iii).[9] Decision and Order at 6. Thus, he divided claimant's yearly income from the SSA records by the average daily earnings for a coal miner, as reported in Exhibit 610 of the *BLBA Procedure Manual*, to determine the number of days claimant worked that year. *Id*. Based on a 250 day working year, the administrative law judge credited claimant with an additional 8.48 years of coal mine employment.[10] *Id*. at 7.

Adding all the years calculated, the administrative law judge determined that claimant established 11.73 years of coal mine employment. Decision and Order at 7. Thus, the administrative law judge concluded that claimant could not invoke the Section 411(c)(4) presumption. *Id*. at 9.

Claimant argues that because his SSA earnings records show coal mine work in every year from 1976 through 1996, the administrative law judge should have credited him

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[8] Exhibit 610 to the Office of Workers' Compensation Programs' *Coal Mine (BLBA) Procedure Manual*, entitled "*Average Wage Base*," contains the coal mine industry daily earnings data referenced in 20 C.F.R. §725.101(a)(32)(iii).

[9] The regulation at 20 C.F.R. §725.101(a)(32)(iii) provides, in pertinent part:

> If the evidence is insufficient to establish the beginning and ending dates of the miner's coal mine employment, or the miner's employment lasted less than a calendar year, then the adjudication officer may use the following formula: divide the miner's yearly income from work as a miner by the coal mine industry's average daily earnings for that year, as reported by the Bureau of Labor Statistics.

20 C.F.R. §725.101(a)(32)(iii).

[10] The administrative law judge assumed a five day work week with two weeks of vacation to calculate a 250 day work year. *Id*.

with twenty-one years of coal mine employment.[11] *Id*. We disagree. It is the administrative law judge's function to weigh the evidence and draw his conclusions and inferences from it. *Maddaleni v. The Pittsburg & Midway Coal Mining Co.*, 14 BLR 1-135, 1-140 (1990); *Lafferty v. Cannelton Industries, Inc.*, 12 BLR 1-190, 1-192 (1989). Here, the administrative law judge noted that claimant testified to working "on-and-off at different mines" for twenty-one years but was unable to recall the specific starting and ending dates with any coal mine employer either at the hearing or at his deposition. Decision and Order at 4, 5 n.16; Hearing Transcript at 12-19, 35; Employer's Exhibit B at 4-8. Further, in some instances, his hearing testimony appeared to conflict with his deposition testimony regarding the dates of his employment with various companies. Decision and Order at 5 n.16; Hearing Transcript at 12-19, 35; Employer's Exhibit B at 4-8. Additionally, the administrative law judge noted that claimant's SSA earnings records reflect that between 1980 and 1996 claimant was frequently employed by more than one coal mine company in the same year. Decision and Order at 6. Thus, the administrative law judge reasonably determined that between 1980 and 1996 the starting and ending dates of claimant's employment with each employer could not be determined.[12] *See Maddaleni*, 14 BLR at 1-140; *Lafferty*, 12 BLR at 1-192. Moreover, claimant does not point to any evidence that establishes the starting and ending dates of his employment with the various employers between 1980 and 1996. The administrative law judge, therefore, permissibly applied the formula set forth in 20 C.F.R. §725.101(a)(32)(iii) to credit claimant with 8.28

[11] Claimant further argues that "if it is disputed that [he] worked for an entire year" during any period, the administrative law judge should have credited him with a full year of employment if his earnings exceeded the coal mine industry's average earnings for 125 days of work for that year, as set forth in Exhibit 610 of the Office of Workers' Compensation Programs' *Coal Mine (Black Lung Benefits Act) Procedure Manual*. Claimant's Brief at 4. Contrary to claimant's argument, and as the administrative law judge noted, the Board has declined to instruct an administrative law judge to use a method treating 125 days as the divisor for the purpose of calculating a fractional portion of a year of coal mine employment. *Osborne v. Eagle Coal Co.*, 25 BLR 1-197, 1-204 (2016); Decision and Order at 6.

[12] While the administrative law judge also noted that between 1980 and 1996 claimant had some non-coal mine employment, as claimant correctly asserts, the record does not clearly support this conclusion. Decision and Order at 6; Claimant's Brief at 4. Because the administrative law judge alternatively found that the starting and ending dates of claimant's coal mine employment between 1980 and 1996 could not be determined, however, any error in finding that claimant had non-coal mine employment during this period was harmless. *See Larioni v. Director, OWCP*, 6 BLR 1-1276 (1984).

years of employment for this period.[13] *See* 20 C.F.R. §725.101(a)(32)(iii); *Muncy*, 25 BLR at 1-27.

Because it is supported by substantial evidence, we affirm the administrative law judge's finding that claimant established less than fifteen years of coal mine employment. *See Muncy*, 25 BLR at 1-27. Consequently, we affirm the administrative law judge's finding that claimant failed to invoke the presumption of total disability due to pneumoconiosis pursuant to Section 411(c)(4).

II. Entitlement under 20 C.F.R. Part 718

Without the benefit of the presumption, claimant has the burden to establish the existence of pneumoconiosis, that the pneumoconiosis arose out of coal mine employment, a totally disabling respiratory or pulmonary impairment, and that the totally disabling respiratory or pulmonary impairment is due to pneumoconiosis. 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 BLER 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).

A. Legal Pneumoconiosis

Claimant argues that the administrative law judge erred in finding that the medical opinion evidence does not support a finding of legal pneumoconiosis.[14] Legal pneumoconiosis includes any chronic pulmonary disease or respiratory or pulmonary impairment that is "significantly related to, or substantially aggravated by, dust exposure in coal mine employment." 20 C.F.R. §718.201(a)(2), (b). The administrative law judge considered the medical opinion of Dr. Alam, who examined claimant on behalf of the

[13] Because claimant does not contest the administrative law judge's calculations for the years 1976 through 1979, we affirm his determination to credit claimant with 3.25 years of coal mine employment for this period. *See Skrack*, 6 BLR at 1-711; Claimant's Brief at 4.

[14] The administrative law judge found that the x-ray, CT scan, and medical opinion evidence establish that claimant has clinical pneumoconiosis, but does not establish legal pneumoconiosis. A finding of clinical pneumoconiosis is sufficient to support a finding of pneumoconiosis at 20 C.F.R. §718.202. *See* 20 C.F.R. §718.201(a). We address the administrative law judge's findings on the issue of legal pneumoconiosis, however, as they are relevant to the issue of disability causation.

Department of Labor (DOL), together with claimant's medical treatment records.[15] Decision and Order at 12-13. Dr. Alam diagnosed legal pneumoconiosis, in the form of chronic bronchitis related to coal dust exposure and tobacco abuse. Director's Exhibit 10 at 30. Finding Dr. Alam's opinion unreasoned and undocumented, the administrative law judge concluded that claimant failed to establish the existence of legal pneumoconiosis. Decision and Order at 12.

Claimant argues that the administrative law judge erred in discrediting Dr. Alam's opinion. We disagree. While Dr. Alam stated that claimant's "persistent bronchitis [is] caused by [tobacco] abuse and coal dust," as the administrative law judge correctly noted, elsewhere in his report Dr. Alam appeared to relate claimant's emphysema with bronchitis solely to tobacco abuse. Decision and Order at 18; Director's Exhibit 10 at 30-31. Thus, the administrative law judge permissibly discredited Dr. Alam's opinion as unreasoned, in part because he did not explain the basis for his conclusion that claimant has legal pneumoconiosis.[16] *See Eastover Mining Co. v. Williams*, 338 F.3d 501, 513, 22 BLR 2-625, 647 (6th Cir. 2002); *Jericol Mining, Inc. v. Napier*, 301 F.3d 703, 713-714, 22 BLR 2-537, 2-553 (6th Cir. 2002); *Wolf Creek Collieries v. Director, OWCP* [*Stephens*], 298 F.3d 511, 522, 22 BLR 2-494, 2-512 (6th Cir. 2002); Decision and Order at 18; Director's Exhibit 10.

The determination of whether a medical opinion is adequately reasoned and documented is for the administrative law judge as the factfinder to decide, *Cumberland River Coal Co. v. Banks*, 690 F.3d 477, 25 BLR 2-135 (6th Cir. 2012); *Clark v. Karst-*

[15] The treatment records, dating from July 22, 2002 to March 10, 2016, are from advanced registered nurse practitioners and physicians, and indicate that claimant has coal workers' pneumoconiosis and chronic obstructive pulmonary disease (COPD). Decision and Order at 12, 14-16. Because the treating physicians did not relate claimant's COPD to coal dust exposure or smoking, the administrative law judge found that the treatment records do not support a finding of legal pneumoconiosis. *Id*. at 18. Claimant does not challenge this finding. *See Skrack*, 6 BLR at 1-711. The administrative law judge also considered the medical opinions of Drs. Sargent and Fino that claimant does not have legal pneumoconiosis. Decision and Order at 18; Director's Exhibit 12; Employer's Exhibit 1. He correctly noted that their opinions do not assist claimant in meeting his burden at 20 C.F.R. §718.202(a)(4).

[16] Because the administrative law judge provided a valid reason for discrediting Dr. Alam's opinion, the administrative law judge's error, if any, in discrediting his opinion for other reasons would be harmless. *See Kozele v. Rochester & Pittsburgh Coal Co.*, 6 BLR 1-378, 1-382 n.4 (1983); Decision and Order at 18.

Robbins Coal Co., 12 BLR 1-149, 1-155 (1989) (en banc), and the Board is not empowered to reweigh the evidence. *Anderson*, 12 BLR at 1-113. As substantial evidence supports the administrative law judge's determination to discredit the opinion of Dr. Alam, the only medical opinion supportive of a finding of legal pneumoconiosis, we affirm the administrative law judge's finding that claimant did not establish the existence of legal pneumoconiosis pursuant to 20 C.F.R. §718.202(a)(4). *See Martin v. Ligon Preparation Co.*, 400 F.3d 302, 305-06, 23 BLR 2-261, 2-283 (6th Cir. 2005).

A. Disability Causation

Claimant next argues that the administrative law judge erred in finding that he is not totally disabled due to pneumoconiosis. To establish that total disability is due to pneumoconiosis, claimant must establish 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); *see Arch on the Green, Inc. v. Groves*, 761 F.3d 594, 599, 25 BLR 2-615, 2-624 (6th Cir. 2014); *Banks*, 690 F.3d at 489, 25 BLR at 2-153. Because claimant established the existence of clinical pneumoconiosis but not legal pneumoconiosis, the relevant inquiry before the administrative law judge was whether claimant's clinical pneumoconiosis is a substantially contributing cause of his total disability. 20 C.F.R. §718.204(c).

Dr. Alam stated that clinical pneumoconiosis accounts for 30% of claimant's disabling pulmonary impairment, legal pneumoconiosis accounts for 10%, smoking related emphysema and bronchitis together account for 45%, and coronary artery disease and dyspnea together account for the remaining 15%. Director's Exhibit 10. The administrative law judge found that Dr. Alam's opinion is unreasoned and undocumented and, therefore, concluded that the evidence does not establish total disability due to pneumoconiosis pursuant to 20 C.F.R. §718.204(c).[17]

[17] The administrative law judge found that the opinions of Drs. Sargent and Fino are not supportive of disability causation because neither physician opined that pneumoconiosis is a substantially contributing cause of claimant's disability. Decision and Order at 20; Director's Exhibit 12; Employer's Exhibit 1. Likewise, the administrative law judge found that claimant's treating physicians did not render an opinion with respect to disability causation. Decision and Order at 19; Claimant's Exhibits 8, 13.

Claimant argues that the administrative law judge erred in discrediting Dr. Alam's opinion. Contrary to claimant's assertion, the administrative law judge accurately observed that Dr. Alam did not explain the basis for his conclusion that 30% of claimant's disabling impairment is due to clinical pneumoconiosis. Decision and Order at 20; Director's Exhibit 10-31. Thus he permissibly found that Dr. Alam's opinion is not sufficiently reasoned to establish that pneumoconiosis is a "substantially contributing cause" of claimant's total disability pursuant to 20 C.F.R. §718.204(c). *See Napier*, 301 F.3d at 713-14, 22 BLR at 2-553; *Tennessee Consol. Coal Co. v. Crisp*, 866 F.2d 179, 185, 12 BLR 2-121, 2-129 (6th Cir. 1989); *Director, OWCP v. Rowe*, 710 F.2d 251, 255, 5 BLR 2-99, 2-103 (6th Cir. 1983); Decision and Order at 20. As it is supported by substantial evidence, we affirm the administrative law judge's finding that the evidence does not establish total disability due to pneumoconiosis pursuant to 20 C.F.R. §718.204(c). *See Martin*, 400 F.3d at 305-06, 23 BLR at 2-283.

III. Complete Pulmonary Evaluation under 30 U.S.C. §923(b)

Claimant asserts that because the administrative law judge discredited the opinion of Dr. Alam, the Director did not provide him with a complete pulmonary evaluation. The Act requires that "[e]ach miner who files a claim . . . shall upon request be provided an opportunity to substantiate his or her claim by means of a complete pulmonary evaluation." 30 U.S.C. §923(b), as implemented by 20 C.F.R. §§718.101(a), 725.406; *see Hodges v. BethEnergy Mines*, 18 BLR 1-84 (1994). A complete pulmonary evaluation includes a "report of physical examination, a pulmonary function study, a chest radiograph, and, unless medically contraindicated, a blood gas study." 20 C.F.R. §725.406(a). The DOL is not required, however, to provide an evaluation sufficient to meet claimant's burden of proof. *See Greene v. King James Coal Mining, Inc.*, 575 F.3d 628, 642, 24 BLR 2-199, 2-221 (6th Cir. 2009); *Cline v. Director, OWCP*, 917 F.2d 9, 14 BLR 2-102 (8th Cir. 1990). Rather, the United States Court of Appeals for the Sixth Circuit, within whose jurisdiction this case arises, has held:

> The DOL meets its statutory obligation to provide a "complete pulmonary evaluation" under 30 U.S.C. § 923(b) when it pays for an examining physician who (1) performs all the medical tests required by 20 C.F.R. §§718.101(a) and 725.406(a), and (2) specifically links each conclusion in his or her medical opinion to those medical tests.

Greene, 575 F.3d at 646, 24 BLR at 2-221. Thus, the court concluded that while the physician who performed the DOL-sponsored pulmonary evaluation "could have explained his reasoning more carefully," the miner received a complete pulmonary evaluation, given that the physician's report addressed all of the elements of entitlement, "even if lacking in persuasive detail." *Id*.

In this case, as part of his October 1, 2013 DOL-sponsored pulmonary evaluation of claimant, Dr. Alam performed a physical examination and administered a chest x-ray, pulmonary function study, arterial blood gas study, and electrocardiogram to him, as required by the regulations. 20 C.F.R. §§718.101(a), 718.104, 725.406(a); Director's Exhibit 10 at 27-29. He then addressed each element of entitlement, and linked the results of the testing to his conclusions. Director's Exhibit 10 at 30-31. We therefore agree with the Director that she fulfilled her statutory obligation to provide claimant with a complete pulmonary evaluation. *See Greene*, 575 F.3d at 646, 24 BLR at 2-221.

Because claimant failed to establish total disability due to pneumoconiosis, an essential element of entitlement under 20 C.F.R. Part 718, we affirm the denial of benefits. *See Trent*, 11 BLR at 1-27; *Perry*, 9 BLR at 1-2.

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

SO ORDERED.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

JUDITH S. BOGGS
Administrative Appeals Judge

RYAN GILLIGAN
Administrative Appeals Judge