BRB No. 06-0648 BLA

MICKEY H. CLINE	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	DATE ISSUED: 06/29/2007
	)	
HOBET MINING, INCORPORATED	)	
	)	
Employer-Petitioner	)	
	)	
DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR	)	
	)	
Party-in-Interest	)	DECISION and ORDER

Appeal of the Decision and Order - Award of Benefits on Modification of Daniel F. Solomon, Administrative Law Judge, United States Department of Labor.

Joseph Wolfe (Wolfe Williams & Rutherford), Norton, Virginia, for claimant.

Christopher M. Hunter (Jackson Kelly PLLC), Charleston, West Virginia, for employer.

Before: DOLDER, Chief Administrative Appeals Judge, SMITH and HALL, Administrative Appeals Judges.

PER CURIAM:

Employer appeals the Decision and Order - Award of Benefits on Modification (2005-BLA-6153) of Administrative Law Judge Daniel F. Solomon on a claim filed pursuant to the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, 30 U.S.C. §901 *et seq.* (the Act). Initially, the administrative law judge found that this case involves a timely request for modification pursuant to 20

C.F.R. §725.310 (2000)[1] of the denial of claimant's 1998 application for benefits and not a subsequent claim pursuant to 20 C.F.R. §725.309. Decision and Order at 4, 6. The administrative law judge further found that employer was not prejudiced by the Department of Labor's failure to timely notify it of claimant's October 2001 and April 2002 communications concerning modification and, therefore, denied employer's request to be dismissed and for liability to be transferred to the Black Lung Disability Trust Fund (Trust Fund). Decision and Order at 6. In addition, the administrative law judge accepted the parties' stipulations that claimant worked at least twenty-five years in coal mine employment and that claimant had one dependent, his wife, for purposes of augmentation. Decision and Order at 4.

In considering claimant's request for modification, the administrative law judge set forth the findings from Administrative Law Judge Daniel L. Leland's prior decision and weighed all of the old evidence and new evidence together, like and unlike. Decision and Order at 23-24. The administrative law judge found that the evidence established the existence of complicated pneumoconiosis, and therefore, established invocation of the irrebuttable presumption of total disability due to pneumoconiosis pursuant to 20 C.F.R. §718.304. Decision and Order at 23-24. The administrative law judge further found that claimant's complicated pneumoconiosis arose out of his coal mine employment pursuant to 20 C.F.R. §718.203(b). Decision and Order at 24. The administrative law judge, therefore, found that claimant established a mistake in a determination of fact in Judge Leland's prior decision, resulting in an award of benefits, commencing March 1, 1998, the month in which the evidence first established the existence of complicated pneumoconiosis. *Id*.

On appeal, employer challenges the administrative law judge's award of benefits, initially contending that the administrative law judge erred in his determination that this case is a request for modification of the denial of claimant's 1998 claim pursuant to Section 725.310 (2000). Employer also contends that the administrative law judge erred in failing to dismiss employer from the claim and transfer liability for any benefits awarded to the Trust Fund because employer's due process rights were violated. In addition, employer challenges the administrative law judge's weighing of the medical evidence of record pursuant to 20 C.F.R. §§718.202 and 718.304. In response, claimant

[1] The Department of Labor has amended the regulations implementing the Federal Coal Mine Health and Safety Act of 1969, as amended. These regulations became effective on January 19, 2001, and are found at 20 C.F.R. Parts 718, 722, 725 and 726 (2002). The amendments to the regulation pertaining to requests for modification, set forth in 20 C.F.R. §725.310, do not apply to requests for modification of claims filed before January 19, 2001. 20 C.F.R. §725.2.

urges affirmance of the administrative law judge's award of benefits.[2] The Director, Office of Workers' Compensation Programs, has not responded to employer's appeal.

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. 33 U.S.C. §921(b)(3), as incorporated by 30 U.S.C. §932(a); *O'Keeffe v. Smith, Hinchman & Grylls Associates, Inc.*, 380 U.S. 359 (1965).

The procedural history, in relevant part, is as follows. Claimant filed his initial claim on February 9, 1998, and was initially awarded benefits by the district director on August 5, 1998. Director's Exhibit 1. Following a formal hearing, Judge Leland found the x-ray evidence sufficient to establish the existence of pneumoconiosis pursuant to 20 C.F.R. §718.202(a)(1), but the medical evidence insufficient to establish a total respiratory disability. Director's Exhibit 1. Accordingly, he denied benefits in a Decision and Order issued on April 26, 2000. *Id*. Pursuant to claimant's appeal, the Board affirmed Judge Leland's denial of benefits by Decision and Order issued on June 5, 2001. *Cline v. Hobet Mining Inc.*, BRB No. 00-0891 BLA (June 5, 2001)(unpub.); Director's Exhibit 1.

Because claimant was receiving interim benefits from the Trust Fund, the district director instituted overpayment proceedings. In his October 13, 2001 Overpayment Recovery Questionnaire, claimant stated, "I plan to file for modification. Please hold these proceedings while my modification is pending." Director's Exhibit 1. Under cover letter dated April 17, 2002, claimant submitted an x-ray interpretation to the district director, with a copy also sent to employer's counsel, stating, "[e]nclosed please find a report dated October 15, 2001 from Dr. Edward Aycoth regarding Mickey H. Cline. Please make this report a part of the above referenced claimant's file." Director's Exhibit 1. The record does not contain any response by the district director. However, by cover letters dated July 26, 2002 and August 20, 2002, employer submitted several re-readings of chest x-rays dated December 22, 1999 and February 8, 2000. The district director, by Order dated August 14, 2003, waived claimant's overpayment. Director's Exhibit 1. The record contains no evidence that any further action was taken on claimant's first application for benefits. Thereafter, on July 19, 2004, claimant filed a second application for benefits.

The administrative law judge, in finding that the instant claim was a request for

[2] Claimant's brief appears to contain numerous pages discussing medical evidence referring to a different claim. We note that a majority of claimant's response brief is not relevant to this case and, therefore, is not responsive to the issues raised on appeal.

modification, considered each of claimant's pre-July 2004 communications and found that either of these initial submissions to the district director was sufficient to put the district director on notice that claimant wanted to seek modification of the 1998 denial of benefits, especially in light of claimant's submission of new medical evidence. Decision and Order at 5-6. Specifically, the administrative law judge found that communications need not be formal in nature to result in a valid request for modification. *Id*. In so finding, the administrative law judge specifically rejected employer's contention that claimant's October 13, 2001 handwritten note showed only an intent to file for modification and that claimant did not specifically request it. *Id.*

Initially, employer contends that the administrative law judge erred in finding this case to be a request for modification of claimant's denied 1998 claim, arguing that claimant's communication in October 2001, within one year of the denial of benefits, was merely a remark of future intent which he never acted upon. Employer's Brief at 8. In addition, employer states that claimant made no mention of modification in submitting the x-ray reading of Dr. Aycoth in April 2002. *Id*. Therefore, employer argues that claimant's true intention was to file a subsequent claim, because he would not have filed the July 2004 application if his true intent was to request modification. *Id*.

We disagree. The administrative law judge reasonably found that the requirements for filing a request for modification under Section 725.310 (2000) are not formal in nature. Specifically, a request for modification need only be "any written notice by or on behalf of the claimant within one year evidencing an intention to make a [request for modification] …" *Fireman's Fund Ins. Co. v. Bergeron*, 493 F.2d 545 (5th Cir. 1974); *Searls v. Southern Ohio Coal Co.*, 11 BLR 1-161, 1-163 n.2 (1988). Herein, within one year of the Board's June 2001 decision, claimant wrote on his October 2001 overpayment questionnaire to the district director that he intended to file for modification and requested that the overpayment proceedings be held pending the modification. Director's Exhibit 1. In addition, claimant submitted the x-ray reading of Dr. Aycoth in April 2002, also within one year of the Board's decision. *Id*. Employer, in July and August 2002, submitted re-readings of chest x-rays taken in 1999 and 2000 to the district director, apparently in response to claimant's April 2002 submission. Because claimant need not submit a formal application requesting modification and the administrative law judge considered all of the relevant evidence, as well as employer's arguments, in determining that claimant adequately set forth his intent to request modification, we affirm his finding that this case involves a request for modification under Section 725.310 (2000), as within a reasonable exercise of his discretion as trier-of-fact. *Bergeron*, 493 F.2d 545; *Searls*, 11 BLR at 1-163 n.2; *see also Madrid v. Coast Marine Construction Co.*, 22 BRBS 148 (1989).

Employer also asserts that if this case is treated as presenting a request for modification and not a subsequent claim, then it must be dismissed, because the district

director's delay in notifying it of claimant's modification request violates its due process rights. Employer's Brief at 9-11. We disagree. The administrative law judge found that employer's counsel was not only copied by claimant's counsel on the April 2002 submission of Dr. Aycoth's x-ray reading, but employer's counsel also submitted its own x-ray readings in July and August 2002. Decision and Order at 6. Consequently, the administrative law judge reasonably found that employer's counsel was aware that the case may involve a request for modification in light of its receipt of the new evidence from claimant, as well as its submission of evidence in 2002 and, thus, that its due process rights were not violated. *Consolidation Coal Co. v. Borda*, 171 F.3d 175, 21 BLR 2-545 (4th Cir. 1999); *Lane Hollow Coal Co. v. Director, OWCP* [*Lockhart*], 137 F.3d 799, 21 BLR 2-302 (4th Cir. 1998).

Moreover, employer has not set forth a specific showing of prejudice in not being notified immediately of a modification request in this case. Specifically, it is not the mere fact that there was a delay in notification that causes the violation of employer's due process rights, but rather the prejudice that results from such delay, such as the deprivation of a full and fair opportunity to defend against the claim. *See Borda*, 171 F.3d 175, 21 BLR 2-545. Herein, employer has not shown how it was deprived of a full and fair opportunity to defend this claim by the delay in notification of claimant's request for modification. In addition, employer was afforded a full opportunity to develop its case once it was notified of the new action. While employer argues that it would have developed Dr. Repsher's opinion differently had it been aware that this case was a request for modification and not a subsequent claim, it has not adequately shown how the strategy it chose prejudiced its defense. *See generally Troup v. Reading Anthracite Coal Co.*, 22 BLR 1-11 (1999). Therefore, because employer has not adequately established how it was deprived of a full and fair opportunity to defend this request for modification, we affirm the administrative law judge's decision to deny employer's request to be dismissed, as within a reasonable exercise of his discretion as trier-of-fact. *See Clark v. Karst-Robbins Coal Co.*, 12 BLR 1-149 (1989)(*en banc*); *Lafferty v. Cannelton Industries, Inc.*, 12 BLR 1-190 (1989).

With regard to the administrative law judge's weighing of the evidence, he set forth the chest x-ray evidence, finding that the physicians, dually-qualified as Board-certified radiologists and B readers, agreed that the x-rays showed evidence of large opacities dating back to March 1998, but disagreed as to what these opacities represented. Decision and Order at 7, 9, 17; Director's Exhibits 1, 15, 16, 20; Claimant's Exhibits 1, 2; Employer's Exhibits 1, 2, 6-9. On the more recent x-ray films, three dually-qualified physicians, Drs. Aycoth, Patel and DePonte, opined that the large opacities represented complicated pneumoconiosis, and three dually-qualified physicians, Drs. Wheeler, Scott and Kim, opined that they represented tuberculosis. Decision and Order at 18; *compare* Director's Exhibits 1, 15, 20; Claimant's Exhibits 1, 2 *with* Director's Exhibit 16; Employer's Exhibits 1, 2, 6-9. In addition, the administrative law judge found that Drs.

Crisalli, Robinette and Rasmussen, each of whom examined claimant, did not note a history of and/or exposure to tuberculosis. Decision and Order at 18; Director's Exhibits 1 at CX1, EX4, 15, 16. Similarly, the administrative law judge found that Drs. Renn, Dahhan, and Fino, who reviewed claimant's medical records, did not find evidence of tuberculosis or state that the record shows any evidence of tuberculosis. Decision and Order at 18; Director's Exhibit 1 at EX 5, 6, 7, 9, 10.

The administrative law judge determined that the record does not support a finding of tuberculosis. Decision and Order at 19-23. He found that, with the exception of Dr. Repsher, none of the physicians who examined claimant found tuberculosis to be a viable diagnosis. Decision and Order at 19. The administrative law judge found that in his most recent opinion, Dr. Repsher diagnosed tuberculosis based on the x-ray readings by Drs. Wheeler and Scott, and that Dr. Repsher's opinion was entitled to no weight because he failed to reconcile this finding of tuberculosis with his earlier opinion that the evidence establishes simple pneumoconiosis and not tuberculosis. Decision and Order at 19; *compare* Employer's Exhibits 3, 4 *with* Director's Exhibit 1 at EX 8. In addition, the administrative law judge found, *inter alia*, that Dr. Rephser's opinion was entitled to little weight because Dr. Repsher deferred to the opinions of Drs. Wheeler and Scott, rather than exercising his own independent judgment on the issue of tuberculosis. Decision and Order at 20. Consequently, the administrative law judge found that tuberculosis was "not a viable diagnosis in this case." Decision and Order at 23.

The administrative law judge then weighed the evidence regarding the existence of complicated pneumoconiosis and found that the positive x-ray readings for complicated pneumoconiosis by the dually-qualified physicians, Drs. Capiello, Ahmed, Patel, DePonte and Aycoth, are entitled to significant weight and are supported by the positive interpretations by B readers, Drs. Ranavaya, Gaziano and Leef. Decision and Order at 23. The administrative law judge then found that the opinions that do not recognize that there are masses on the x-ray were not credible. *Id*. In addition, the administrative law judge found that the examinations by Drs. Ranavaya, Robinette and Rasmussen support the positive x-ray readings of complicated pneumoconiosis, finding that they "substantiate that there is some confirmation by physical clinical findings and that their opinions are more rational than the Employer's physicians." Decision and Order at 24. Consequently, the administrative law judge found these opinions entitled to more weight than the opinions of Drs. Crisalli and Renn because they "do not even find simple pneumoconiosis," which is against the weight of the record. Decision and Order at 24. Similarly, the administrative law judge found the opinions of Drs. Fino and Dahhan entitled to no weight as their conclusions were against the weight of the evidence. *Id.*

The administrative law judge therefore found that because the evidence of record establishes the existence of complicated pneumoconiosis, it also establishes a mistake in a determination of fact in Judge Leland's decision. Decision and Order at 24.

Specifically, the administrative law judge found that while Judge Leland denied benefits, he nonetheless determined that the evidence was sufficient to establish the existence of simple pneumoconiosis; however, the record now supports a finding of entitlement because the evidence is sufficient to establish the existence of complicated pneumoconiosis. *Id*.

Prior to considering all of the relevant evidence, however, the administrative law judge set forth and discussed the x-ray evidence and medical opinion evidence, but did not render specific findings under the separate subsections of Section 718.304. Accordingly, we must vacate the administrative law judge's finding regarding the evidence at Section 718.304 and remand this case to the administrative law judge for further consideration. On remand, the administrative law judge must evaluate the evidence in each category of Section 718.304(a) and (c),[3] before weighing all relevant evidence together to determine whether or not invocation of the irrebuttable presumption is established. *See Lester v. Director, OWCP*, 993 F.2d 1143, 17 BLR 2-114 (4th Cir. 1993); *Melnick v. Consolidation Coal Co.*, 16 BLR 1-31, 1-37 (1991)(*en banc*).

In order to facilitate the consideration of the relevant evidence on remand, we will address employer's allegations of error. Specifically, employer contends that the administrative law judge failed to consider the specific readings of each of the individual x-ray films, as well as the qualifications of the physicians providing those readings. Employer's Brief at 17. Some of employer's contentions have merit.

In considering the large volume of evidence in this case, it is not clear which evidence the administrative law judge ultimately relied upon in finding complicated pneumoconiosis established at Section 718.304(a). Specifically, the administrative law judge set forth the x-ray evidence submitted to, and considered by, Judge Leland in the 1998 Decision and Order, and found that while Judge Leland determined only that the evidence establishes the existence of simple pneumoconiosis, this x-ray evidence also shows findings of complicated pneumoconiosis. Decision and Order at 13, 17. Noting that the old x-ray evidence contains evidence both positive and negative for complicated pneumoconiosis, the administrative law judge however did not render a specific finding regarding this evidence. Decision and Order at 13, 17. Rather, he then set forth the new evidence, again noting that the evidence contains interpretations that are both positive and negative for complicated pneumoconiosis. Decision and Order at 13, 17-18. While the administrative law judge ultimately concluded that the x-ray interpretations, positive for complicated pneumoconiosis by dually-qualified physicians, are entitled to significant weight, and that the interpretations by Drs. Wheeler, Scott and Kim, that the recognized

[3]The record does not contain any biopsy evidence that would establish the existence of complicated pneumoconiosis pursuant to Section 718.304(b).

masses on x-ray are tuberculosis, not complicated pneumoconiosis, are accorded less weight, the administrative law judge did so based on his overall weighing of the evidence and not strictly the x-ray evidence under Section 718.304(a). Because of his bifurcated discussion of the relevant x-ray evidence, it is not apparent what weight he accorded the specific x-rays in finding the evidence sufficient to establish complicated pneumoconiosis and further, how it establishes a mistake in a determination of fact in Judge Leland's decision.

Consequently, we instruct the administrative law judge, when reconsidering all relevant x-ray evidence at Section 718.304(a) on remand, to provide a detailed analysis for his crediting or discrediting of each x-ray interpretation and to articulate which x-ray interpretations he ultimately relies upon to support his finding of the existence or absence of complicated pneumoconiosis. *See* 5 U.S.C. §557(c)(3)(A), as incorporated into the Act by 5 U.S.C. §554(c)(2), 33 U.S.C. §919(d) and 30 U.S.C. §932(a); *Wojtowicz v. Duquesne Light Co.*, 12 BLR 1-162 (1989); *Tenney v. Badger Coal Co.*, 7 BLR 1-589, 1-591 (1984). However, contrary to employer's contention, the administrative law judge is not required on remand to accord greater weight to the interpretations of Drs. Wheeler, Scott and Kim, solely based on their status as Professors of Radiology, in addition to their dual radiological qualifications. *See Worhach v. Director, OWCP*, 17 BLR 1-105 (1993); *Edmiston v. F & R Coal Co.*, 14 BLR 1-65 (1990). The administrative law judge properly acknowledged the additional qualifications of Drs. Wheeler, Scott and Kim, as colleagues in the radiology department at Johns Hopkins School of Medicine,[4] in weighing the relevant evidence, but permissibly determined they were not entitled to any additional weight. Decision and Order at 13, 17, 24.

With regard to the administrative law judge's general weighing of the medical opinion evidence, employer contends that the administrative law judge erred in discrediting the opinion of Dr. Repsher as well as in crediting of the opinion of Dr. Rasmussen, that claimant suffers from complicated pneumoconiosis. Employer's Brief at 12-14, 17-18 In addition, employer contends that the administrative law judge erred in not according greater weight to the opinions of Drs. Crisalli and Repsher, that claimant does not suffer from complicated pneumoconiosis, as these opinions are well-reasoned and documented and better supported by the objective evidence of record. Employer's Brief at 18-19, 22-23.

The administrative law judge, in discussing the medical opinion evidence, has not provided a specific finding under Section 718.304(c). Rather, he set forth the medical

[4] The administrative law judge also acknowledges Dr. Wheeler's credentials as "head of a department at one of the premier medical schools and has been in the forefront of research on pneumoconiosis." Decision and Order at 17.

opinion evidence at various points in his discussion of the issue of complicated pneumoconiosis, but did not weigh this evidence specifically thereunder. Consequently, we instruct the administrative law judge on remand to render a specific finding under Section 718.304(c), as to whether this evidence establishes the presence or absence of complicated pneumoconiosis, prior to weighing all relevant evidence together to determine whether or not invocation of the irrebuttable presumption is established. *See Lester*, 993 F.2d 1143, 17 BLR 2-114; *Melnick*, 16 BLR 1-31, 1-37.

While the administrative law judge did not specifically weigh the medical opinion evidence pursuant to Section 718.304(c), employer nonetheless raises several allegations of error with the administrative law judge's general weighing of the medical opinion evidence. Specifically, employer challenges the administrative law judge's decision to discredit the opinion of Dr. Repsher, arguing that the administrative law judge erred in finding that Dr. Repsher's opinion is hostile to the Act because Dr. Repsher does not foreclose all possibility that chronic obstructive pulmonary disease can be caused by coal dust exposure. Employer's Brief at 13. In addition, employer contends that the administrative law judge erred in discrediting Dr. Repsher's opinion because of inconsistencies in his prior medical reports and based upon Dr. Repsher's failure to exercise independent medical judgment in rendering his opinion. Decision and Order at 13-14. Employer also contends that the administrative law judge erred in finding that Dr. Repsher was biased. *Id*. There is merit to some of employer's contentions.

The administrative law judge found that Dr. Repsher's most recent opinion is contrary to the intent of the regulations because Dr. Repsher believes that pneumoconiosis causes only a restrictive impairment, rather than an obstructive impairment. Decision and Order at 20. However, from a review of Dr. Repsher's opinion and deposition testimony, it is not apparent that Dr. Repsher forecloses all possibility that pneumoconiosis can cause an obstructive impairment. Rather, Dr. Repsher discusses the evidence in terms of how pneumoconiosis "generally" or typically" presents on examination and testing. See Employer's Exhibit 4 at 10-12, 17- 23. Consequently, we are not persuaded that Dr. Repsher's statements rise to the level of hostility to the Act. *See Mullins Coal Co., Inc. of Virginia v. Director, OWCP*, 484 U.S. 135, 11 BLR 2-1 (1987), *reh'g denied*, 484 U.S. 1047 (1988); *Eastern Associated Coal Corp. v. Director, OWCP [Scarbro]*, 220 F.3d 250, 22 BLR 2-93 (4th Cir. 2000); *Adkins v. Director, OWCP*, 958 F.2d 49, 16 BLR 2-61 (4th Cir. 1992).

However, the administrative law judge has provided other valid bases for according less weight to the opinion of Dr. Repsher. Specifically, the administrative law judge found that Dr. Repsher did not explain his current diagnosis, that claimant suffers from tuberculosis, when in his prior opinions, Dr. Repsher specifically found that claimant was not suffering from tuberculosis, but rather, suffers from simple pneumoconiosis. Decision and Order at 19; *compare* Employer's Exhibits 3, 4 *with*

Director's Exhibit 1 at EX 8, 12. Because the administrative law judge has provided a valid basis for generally according less weight to the opinion of Dr. Repsher, *see Hopton v. U.S. Steel Corp.*, 7 BLR 1-12 (1984), we need not address employer's other allegations of error with regard to Dr. Repsher's opinion. *See Kozele v. Rochester & Pittsburgh Coal Co.*, 6 BLR 1-378 (1983).

With regard to employer's allegations of error concerning the administrative law judge's weighing of the other relevant medical opinions of record, employer is merely seeking a reweighing of the medical opinion evidence, which the Board is not empowered to do. *Anderson v. Valley Camp of Utah, Inc.*, 12 BLR 1-111 (1989); *Worley v. Blue Diamond Coal Co.*, 12 BLR 1-20 (1988). However, in light of our finding that the administrative law judge has not adequately weighed the medical evidence pursuant to Section 718.304, we vacate his weighing of the evidence and remand the case for the administrative law judge to provide specific findings pursuant to Section 718.304. *See Lester*, 993 F.2d 1143, 17 BLR 2-114; *Melnick*, 16 BLR 1-31, 1-37. If, on remand, the administrative law judge finds the x-ray evidence and other medical evidence sufficient to establish complicated pneumoconiosis pursuant to Section 718.304(a) and (c), respectively, he must then weigh all relevant evidence together to determine whether or not invocation of the irrebuttable presumption is established. *See Lester*, 993 F.2d 1143, 17 BLR 2-114; *Melnick*, 16 BLR at 1-37.

Furthermore, because we vacate the administrative law judge's determination that the evidence supports a finding of complicated pneumoconiosis, we likewise vacate his finding that the evidence supports a mistake in a determination of fact pursuant to Section 725.310 (2000). 20 C.F.R. §725.310 (2000); *Jessee v. Director, OWCP*, 5 F.3d 723, 18 BLR 2-26 (4th Cir. 1993).

Accordingly, the administrative law judge's Decision and Order - Award of Benefits on Modification is affirmed in part, vacated in part, and the case is remanded to the administrative law judge for further consideration consistent with this opinion.

SO ORDERED.

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NANCY S. DOLDER, Chief
Administrative Appeals Judge

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ROY P. SMITH
Administrative Appeals Judge

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BETTY JEAN HALL
Administrative Appeals Judge