BRB No. 10-0554 BLA

OMA MILAM, JR.	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	
	)	
PEABODY COAL COMPANY	)	
	)	DATE ISSUED: 05/24/2011
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 Awarding Benefits on Modification of Richard A. Morgan, Administrative Law Judge, United States Department of Labor.

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

Laura Metcoff Klaus (Greenberg Traurig LLP), Washington, D.C., for employer.

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

PER CURIAM:

Employer appeals the Decision and Order Awarding Benefits on Modification (09-BLA-5248) of Administrative Law Judge Richard A. Morgan rendered on a subsequent claim[1] filed on February 13, 2004, pursuant to the provisions of the Black Lung Benefits

[1] Claimant filed his first claim for benefits on September 8, 1994. Director's Exhibit 1. The district director denied that claim on February 3, 1995, because the evidence did not establish any element of entitlement. *Id*. The record does not reflect that claimant took any further action on his 1994 claim.

Act, 30 U.S.C. §§901-944 (2006), *amended by* Pub. L. No. 111-148, §1556, 124 Stat. 119 (2010) (to be codified at 30 U.S.C. §§921(c)(4) and 932(*l*)) (the Act). This case is before the Board for the second time. Initially, Administrative Law Judge Stephen L. Purcell found that the new evidence established total disability pursuant to 20 C.F.R. §718.204(b)(2), and that claimant thereby established a change in an applicable condition of entitlement since the denial of his prior claim. *See* 20 C.F.R. §725.309(d); Director's Exhibit 46 at 9. On the merits of the claim, however, Judge Purcell found that the evidence did not establish the existence of pneumoconiosis under 20 C.F.R. §718.202(a), and he denied benefits. Director's Exhibit 46 at 14. Pursuant to claimant's appeal, the Board affirmed Judge Purcell's denial of benefits. *O.M.* [*Milam*] *v. Peabody Coal Co*., BRB No. 07-0755 BLA (May 23, 2008)(unpub.); Director's Exhibit 52. Claimant timely requested modification, asserting that there had been a mistake in a determination of fact. *See* 20 C.F.R. §725.310; Director's Exhibit 53.

In a Decision and Order dated May 26, 2010, Administrative Law Judge Richard A. Morgan (the administrative law judge) credited claimant with thirty-five years of coal mine employment.[2] The administrative law judge found that the medical opinion evidence established that claimant has legal pneumoconiosis,[3] in the form of chronic obstructive pulmonary disease (COPD) that was substantially aggravated by coal mine dust exposure pursuant to 20 C.F.R. §718.202(a)(4).[4] Weighing the evidence together, the administrative law judge found that it established legal pneumoconiosis under 20 C.F.R. §718.202(a). *See Island Creek Coal Co. v. Compton*, 211 F.3d 203, 22 BLR 2-162 (4th Cir. 2000). The administrative law judge further found that claimant is totally disabled by a respiratory impairment that is due to pneumoconiosis, pursuant to 20 C.F.R. §718.204(b)(2),(c). Finding that the ultimate fact of entitlement was mistakenly decided in the prior decision denying benefits, the administrative law judge granted modification,

[2] Because claimant's coal mine employment was in West Virginia, this case arises within the jurisdiction of the United States Court of Appeals for the Fourth Circuit. *See Shupe v. Director, OWCP*, 12 BLR 1-200 (1989)(*en banc*); Director's Exhibit 4.

[3] "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). "Arising out of coal mine employment" refers to "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).

[4] The administrative law judge found that neither the x-ray evidence nor the medical opinion evidence established the existence of clinical pneumoconiosis under 20 C.F.R. §718.202(a)(1),(4). Decision and Order at 19-20.

and awarded benefits. Finally, he found claimant entitled to benefits as of February 1, 2004, the month in which he filed his claim.

On appeal, employer challenges the administrative law judge's finding that the medical opinion evidence established legal pneumoconiosis at 20 C.F.R. §718.202(a)(4). Employer further asserts that the administrative law judge erred when he found that claimant has a totally disabling respiratory impairment under 20 C.F.R. §718.204(b)(2). Additionally, employer argues that the administrative law judge erred in failing to determine whether granting modification would render justice under the Act. Finally, employer contends that the administrative law judge erred in automatically selecting the month in which claimant filed his claim as the date from which benefits commence. Claimant responds, urging affirmance of the administrative law judge's grant of modification and award of benefits. The Director, Office of Workers' Compensation Programs, declined to file a response brief.[5]

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).

To establish entitlement to benefits under the Act, claimant must demonstrate by a preponderance of the evidence that he is totally disabled due to pneumoconiosis arising out of coal mine employment. 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 entitlement. *Anderson v. Valley Camp of Utah, Inc.*, 12 BLR 1-111, 1-112 (1989). As noted above, because claimant failed to establish the pneumoconiosis element on the merits of his claim, the claim was denied. Claimant timely requested modification of that decision.

Section 725.310 provides that a party may request modification of an award or denial of benefits within one year, on the grounds that a change in conditions has occurred or because a mistake in a determination of fact was made in the prior decision. 20 C.F.R. §725.310(a). When a request for modification is filed, "any mistake may be corrected [by the administrative law judge], including the ultimate issue of benefits eligibility." *Betty B Coal Co. v. Director, OWCP* [*Stanley*], 194 F.3d 491, 497, 22 BLR

[5] The recent amendments to the Black Lung Benefits Act, 30 U.S.C. §§901-944 (2006), *amended by* Pub. L. No. 111-148, §1556, 124 Stat. 119 (2010)(to be codified at 30 U.S.C. §§921(c)(4) and 932(*l*)), which became effective on March 23, 2010, and which apply to claims filed after January 1, 2005, do not apply to this claim filed on February 12, 2004.

2-1, 2-11 (4th Cir. 1999); *Jessee v. Director, OWCP*, 5 F.3d 723, 725, 18 BLR 2-26, 2-28 (4th Cir. 1993). The administrative law judge on modification must determine whether reopening the claim would render justice under the Act. *Sharpe v. Director, OWCP*, 495 F.3d 125, 132, 24 BLR 2-56, 2-67-68 (4th Cir. 2007); *see also D.S.* [*Stiltner*] *v. Ramey Coal Co.*, 24 BLR 1-33, 1-38 (2008).

Pneumoconiosis

Relevant to the existence of legal pneumoconiosis under 20 C.F.R. §718.202(a)(4), the administrative law judge considered the opinions of Drs. Agarwal and Baker,[6] diagnosing an obstructive impairment due, in part, to coal mine dust exposure, and the opinions of Drs. Crisalli, Tuteur, and Zaldivar,[7] that claimant does not have a pulmonary or respiratory impairment related to coal mine dust exposure, but rather, suffers from asthma. The administrative law judge determined that all of the doctors were qualified to render an opinion, and he found all of the opinions to be reasoned and documented.

Weighing the opinions together, the administrative law judge found that the opinions of Drs. Agarwal and Baker were more persuasive than those of Drs. Crisalli, Tuteur, and Zaldivar. Specifically, he accorded less weight to Dr. Crisalli's opinion because he found that the doctor relied on a lack of x-ray evidence of clinical pneumoconiosis to rule out coal mine dust exposure as a cause of claimant's obstructive impairment. Further, he found that, even accepting that claimant's COPD is asthma, Dr. Crisalli's opinion, that coal dust does not aggravate asthma, was contrary to the Department of Labor's findings in the preamble to the regulations, regarding coal mine

[6] Dr. Agarwal diagnosed a moderate obstructive impairment due to smoking and coal mine dust exposure. Claimant's Exhibit 1. Dr. Baker diagnosed chronic obstructive pulmonary disease (COPD) with moderate obstruction due to coal mine dust exposure. Claimant's Exhibit 2. Dr. Baker additionally stated that claimant's obstruction may also be due, in part, to his "minimal smoking history." *Id*. As summarized by the administrative law judge, claimant reported to the physicians that he smoked between one-half and three-quarters of a pack of cigarettes per day for fifteen to twenty years. The administrative law judge found that claimant's smoking history amounted to approximately fourteen pack years. Decision and Order at 4. That finding is not challenged on appeal, so we affirm it. *Skrack v. Island Creek Coal Co.*, 6 BLR 1-710 (1983).

[7] Drs. Crisalli, Tuteur, and Zaldivar opined that claimant does not have a pulmonary impairment due to coal dust exposure; rather, they opined that he suffers from asthma unrelated to his occupation. Director's Exhibit 38; Employer's Exhibits 4, 13.

dust and obstructive lung diseases. The administrative law judge additionally found that Dr. Tuteur's and Dr. Zaldivar's reasons for concluding that claimant does not have pneumoconiosis clearly addressed why clinical pneumoconiosis was not present, but did not adequately explain why claimant's thirty-five years of coal mine dust exposure did not aggravate his COPD and asthma.

Employer asserts that the administrative law judge failed to validly explain his crediting of the opinions of Drs. Agarwal and Baker, and his discrediting of the opinions of Drs. Crisalli, Tuteur, and Zaldivar under 20 C.F.R. §718.202(a)(4). Employer's Brief at 15-17. We disagree. The administrative law judge explained that he found the opinions of Drs. Agarwal and Baker to be reasoned and documented, because the physicians considered claimant's smoking history and "significant exposure to coal mine dust," and they set forth the clinical findings, observations, and facts upon which they based their diagnoses. Decision and Order at 11, 18, 20-21. Substantial evidence supports this finding. Contrary to employer's assertion, therefore, the administrative law judge permissibly relied on the opinions of Drs. Agarwal and Baker as reasoned medical opinions.[8] *See Milburn Colliery Co. v. Hicks*, 138 F.3d 524, 528, 21 BLR 2-323, 2-326 (4th Cir. 1998); *Underwood v. Elkay Mining, Inc.*, 105 F.3d 946, 949, 21 BLR 2-23, 2-28 (4th Cir. 1997).

Further, contrary to employer's assertion, the administrative law judge permissibly accorded less weight to the opinions of Drs. Crisalli, Tuteur, and Zaldivar. As the administrative law judge explained, Dr. Crisalli's view, that asthma cannot be attributable to coal mine dust exposure, is inconsistent with the Department of Labor's discussion of the prevailing medical science in the preamble to the revised regulations. *See* 65 Fed.

[8] Employer points out that Drs. Agarwal and Baker did not diagnose asthma, and argues that the administrative law judge erred in "attribut[ing] a diagnosis to these doctors that they did not make." Employer's Brief at 18. In summarizing the opinions of Drs. Agarwal and Baker, the administrative law judge accurately observed that Dr. Agarwal diagnosed a "moderate obstructive defect," due to smoking and coal dust exposure, and that Dr. Baker diagnosed COPD, chronic bronchitis, and hypoxemia due to coal dust exposure. *Id.* Decision and Order at 11-12. He further found their opinions to be that "claimant's significant exposure to coal mine dust substantially contributed to the development of his obstructive impairment . . ." Decision and Order at 21. Thus, it is clear from the administrative law judge's accurate description of these physicians' reports that his later statement, that they opined that coal mine dust exposure aggravated "claimant's asthma" is a typographical error. *Id.* Moreover, the relevant issue before the administrative law judge was whether coal mine dust substantially aggravated claimant's obstructive lung impairment, regardless of whether the doctors labeled it as COPD, asthma, or a combination of the two. *See* 20 C.F.R. §718.201(a)(2),(b).

Reg. 79920, 79939, 79944 (Dec. 20, 2000) (recognizing that the "term 'chronic obstructive pulmonary disease' (COPD) includes . . . chronic bronchitis, emphysema and asthma," and that the overwhelming scientific and medical evidence demonstrates that coal mine dust exposure can cause obstructive lung disease); *J.O.* [*Obush*] *v. Helen Mining Co.*, 24 BLR 1-117, 1-125-26 (2009); Decision and Order at 20. Additionally, on the facts of this case, substantial evidence supports the administrative law judge's finding that Dr. Crisalli emphasized the lack of positive x-ray evidence as a factor for concluding that coal mine dust did not contribute to claimant's obstructive impairment, when positive x-ray evidence is not required to support a finding of legal pneumoconiosis.[9] *See* 20 C.F.R. §§718.201(a)(2), 718.202(a)(4).

Similarly, substantial evidence supports the administrative law judge's findings that Dr. Zaldivar's opinion "ignores that the definition of legal pneumoconiosis in the regulations . . . can include pulmonary conditions such as asthma that are substantially aggravated by exposure to coal mine dust,"[10] Decision and Order at 25, and that Drs. Zaldivar and Tuteur did not adequately explain how they eliminated claimant's "significant exposure to coal dust" as having contributed to, or aggravated, claimant's asthma. *See Hicks*, 138 F.3d at 528, 21 BLR at 2-326; *Underwood*, 105 F.3d at 949, 21 BLR at 2-28; Decision and Order at 21.

As the administrative law judge provided valid reasons for crediting the opinions of Drs. Agarwal and Baker, and for discounting the opinions of Drs. Crisalli, Zaldivar, and Tuteur, we affirm his finding that medical opinion evidence establishes legal pneumoconiosis at 20 C.F.R. §718.202(a)(4). As employer raises no additional challenge to the administrative law judge's finding of legal pneumoconiosis, we affirm his finding at 20 C.F.R. §718.202(a). *See Compton*, 211 F.3d at 211-12, 22 BLR at 2-175.

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[9] Dr. Crisalli was asked "could you explain how . . . you are able to rule out coal mine dust exposure as a cause or contributing factor to [claimant's] impairment?" Employer's Exhibit 6 at 18. The doctor responded, "I can rule it out based on . . . tak[ing] all of the imaging into consideration, there is no radiographic. The radiographs . . . don't show evidence of coal workers' pneumoconiosis. The CT scans don't show the nodularity one would have or expect in coal workers' pneumoconiosis. . . ." *Id*. Employer notes that Dr. Castle went on to add that the pulmonary function and diffusion capacity studies were also not "typical for coal workers' pneumoconiosis." *Id*. But substantial evidence still supports the administrative law judge's finding that Dr. Castle relied, in part, on negative x-rays when he explained why he concluded that coal mine dust exposure did not contribute to or aggravate claimant's obstructive impairment.

[10] Dr. Zaldivar testified that coal dust exposure does not cause, or aggravate asthma. Director's Exhibit 41 at 21.

Total Disability

Relevant to 20 C.F.R. §718.204(b)(2), the record contains six pulmonary function studies, six blood gas studies, and seven medical opinions. The administrative law judge found that the evidence established total disability:

> Two of the pulmonary function tests in this case meet the [qualifying[11]] values required by the regulations. . . .
>
> One of the arterial blood gas studies in this case produced qualifying results. . . .
>
> Each of the physicians that submitted reports in this matter concluded that the claimant is so impaired from a pulmonary standpoint that he would be unable to perform his coal mine employment duties. Therefore, I find that the claimant has met his burden of proof in establishing total disability.

Decision and Order at 15-16.

Employer asserts that the administrative law judge erred in finding total disability established under 20 C.F.R. §718.204(b)(2). We agree. As employer states, the administrative law judge did not resolve the conflict in the pulmonary function study[12] or blood gas study[13] evidence under 20 C.F.R. §718.204(b)(2)(i), (ii). *See Grizzle v.*

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[11] A "qualifying" pulmonary function study or blood gas study yields values that are equal to or less than the appropriate values set out in the tables at 20 C.F.R. Part 718, Appendices B and C, respectively. A "non-qualifying" study yields values that exceed those values. 20 C.F.R. §718.204(b)(2)(i), (ii).

[12] Given the administrative law judge's finding that claimant is 66.5" tall, pulmonary function studies taken on October 17, 1994 and March 2, 2009, yielded non-qualifying values both before and after a bronchodilator was administered. Decision and Order at 8; Director's Exhibit 1; Employer's Exhibit 4. Pulmonary function studies conducted on March 9, 2004, and November 7, 2008 produced qualifying values; no bronchodilator was administered on these dates. Director's Exhibit 14; Claimant's Exhibit 2. Pre-bronchodilator studies conducted on July 21, 2004, December 21, 2005, and May 20, 2008 yielded qualifying values; however, post-bronchodilator studies conducted on the same dates were non-qualifying. Director's Exhibit 38; Claimant's Exhibit 1.

[13] The blood gas studies taken on March 9, 2004 produced qualifying values. Director's Exhibit 13. Blood gas studies taken on October 17, 1994, July 21, 2004, May

Pickands Mather & Co., 994 F.2d 1093, 1096, 17 BLR 2-123, 2-127 (4th Cir. 1993). Further, with respect to the administrative law judge's weighing of the medical opinion evidence,[14] employer correctly states that, contrary to the administrative law judge's finding, Dr. Tuteur opined that claimant does not have a totally disabling pulmonary impairment.[15] Director's Exhibit 42 at 32. Similarly, the record reflects that Dr. Rasmussen opined that claimant retains the pulmonary capacity to perform his last coal mine employment. Director's Exhibit 1. Because the administrative law judge did not resolve the conflict in the evidence under 20 C.F.R. §718.204(b)(2), we must vacate his finding that claimant established that he is totally disabled, and remand this case for further consideration.[16] *See Underwood*, 105 F.3d at 949, 21 BLR at 2-28.

On remand, the administrative law judge must make findings under 20 C.F.R. §718.204(b)(2)(i),(ii) regarding the weight and credibility to be assigned to the

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20, 2008, November 7, 2008, March 2, 2009 produced non-qualifying values. Director's Exhibits 1, 38; Claimant's Exhibits 1, 2; Employer's Exhibit 4.

[14] Drs. Mullins, Zaldivar, Agarwal, Baker, and Crisalli opined that claimant does not retain the pulmonary capacity to return to his last coal mine employment. Director's Exhibits 12, 41; Claimant's Exhibits 1, 2; Employer's Exhibit 4. Drs. Rasmussen and Tuteur opined that claimant retains the pulmonary capacity to return to his last coal mine employment. Director's Exhibits 1, 42.

[15] Dr. Tuteur stated that "[a]ccepting [claimant's] subjective assessment of exercise tolerance, he is unable to perform the tasks of a coal miner or work requiring similar effort. This is not unexpected because of his hypertension, uncontrolled obesity, and moderate obstructive abnormality associated with asthma and cigarette smoking." Employer's Exhibit 13 at 8. Dr. Tuteur, however, also stated that claimant's pulmonary function studies and blood gas studies indicated that "no pulmonary disease exists that either in the past or as recently as 2004 would prevent him from conducting his work in the coal mine industry." Director's Exhibit 42 at 32.

[16] Although we vacate the administrative law judge's finding of total disability, the previous determination, that claimant established a change in an applicable condition of entitlement under 20 C.F.R. §725.309(d), still stands. We have affirmed the administrative law judge's finding of legal pneumoconiosis, an element of entitlement that claimant did not establish in his 1994 claim, and the current finding of pneumoconiosis was based on the evidence submitted in the subsequent claim. Therefore, as a matter of law, claimant has established a change in an applicable condition of entitlement since the denial of his 1994 claim became final. *See* 20 C.F.R. §725.309(d)(2),(3).

pulmonary function study and blood gas study evidence, and must explain his findings in accordance with the Administrative Procedure Act, 5 U.S.C. §557(c)(3)(A), as incorporated into the Act by 30 U.S.C. §932(a), by means of 33 U.S.C. §919(d) and 5 U.S.C. §554(c)(2). Similarly, the administrative law judge must reconsider the medical opinion evidence under 20 C.F.R. §718.204(b)(2)(iv), resolve the conflicts, and explain the basis for his credibility determination. *See Hicks*, 138 F.3d at 533, 21 BLR at 2-336. In so doing, the administrative law judge must properly characterize the opinions of Drs. Tuteur and Rasmussen. Further, in considering the probative value of the opinions of Drs. Zaldivar and Mullins, the administrative law judge must address employer's assertion that other doctors questioned the validity of the studies on which they relied.[17] *See Hicks*, 138 F.3d at 533, 21 BLR at 2-336; Employer's Brief at 12. On remand, after reconsidering the medical opinions, the administrative law judge must weigh all relevant evidence together pursuant to 20 C.F.R. §718.204(b)(2), and determine whether the evidence as a whole establishes that claimant suffers from a totally disabling pulmonary or respiratory impairment. *Shedlock v. Bethlehem Mines Corp.*, 9 BLR 1-195, 1-197-98 (1986), *aff'd on recon*, 9 BLR 1-236 (1987)(*en banc*).

Disability Causation

In light of our determination to vacate the administrative law judge's finding of total disability under 20 C.F.R. §718.204(b)(2), we also vacate his findings that pneumoconiosis was a substantially contributing cause of claimant's total disability under

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[17] Employer correctly points out that Dr. Zaldivar questioned the reliability of the testing underlying Dr. Mullins' opinion:

> I think the data of Dr. Mullins, number one, is incomplete, because she didn't do bronchodilator studies or even exercise blood gases, and, number two, I think the blood gases were faulty because no one else has shown a pCO2 as high as this of 51.
>
> I believe that there was some problem with her collection of the gases, so, all in all, I believe she didn't have the right information to make a diagnosis.

Director's Exhibit 41, Zaldivar deposition at 13-14. As employer further states, Dr. Tuteur, who reviewed cardio-pulmonary data from October 1973 to December 2005, including the medical reports of Drs. Rasmussen, Mullins, and Zaldivar, stated that the results of claimant's objective studies indicated that his exercise intolerance is due to "poor physical condition, his obesity, and/or submaximal effort." Director's Exhibit 42, Tuteur deposition at 21.

20 C.F.R. §718.204(c), and that claimant established a mistake in the ultimate fact of entitlement under 20 C.F.R. §725.310. If reached, on remand, the administrative law judge must again consider the relevant evidence on this issue and explain his credibility determinations under 20 C.F.R. §718.204(c).

Employer additionally contends that the administrative law judge erred in failing to specifically address whether granting claimant's request for modification would render justice under the Act. We agree. The modification of a claim does not automatically flow from a finding that a mistake was made on an earlier determination, and should be granted only where doing so will render justice under the Act. *Sharpe*, 495 F.3d at 128, 24 BLR at 2-66. The administrative law judge did not address that issue. On remand, the administrative law judge must render specific findings as to whether reopening the denial of benefits in the miner's claim would render justice under the Act. *Sharpe*, 495 F.3d at 128, 24 BLR at 2-66.

Onset Date

Finally, employer contends that the administrative law judge erred in awarding benefits as of February 2004. Specifically, employer asserts that the administrative law judge's finding is conclusory as he "engaged in no analysis of the date of onset." Employer's Brief at 18. This assertion has merit. If the medical evidence does not establish the date that a miner became totally disabled due to pneumoconiosis, benefits are payable as of the filing date of the claim, unless credited medical evidence indicates that the miner was not totally disabled at some point after that date. 20 C.F.R. §725.503; *Edmiston v. F&R Coal Co.*, 14 BLR 1-65 (1990); *see also Lykins v. Director, OWCP*, 12 BLR 1-181 (1989). Here, in addressing the date of onset for the payment of benefits, the administrative law judge stated that, "[b]ecause the month of onset of total disability cannot be determined, the claimant will be entitled to benefits beginning February 1, 2004." Decision and Order at 26. However, he did not discuss the evidence or explain why it did not permit him to determine the month of onset.[18] Thus, if the administrative law judge awards benefits on remand, he must again consider the date from which benefits are payable, and explain his finding.

[18] Employer notes that the administrative law judge credited medical opinions from 2008 to find claimant entitled to benefits. Employer's Brief at 18.

Accordingly, the administrative law judge's Decision and Order Awarding Benefits on Modification is affirmed in part and vacated in part, and the case is remanded 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