U.S. Department of Labor

Benefits Review Board
P.O. Box 37601
Washington, DC 20013-7601

BRB No. 16-0125 BLA

ACIE HAGER	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	
	)	
APEX MINERALS, INCORPORATED	)	
	)	
	)	
Employer-Petitioner	)	
	)	DATE ISSUED: 10/28/2016
	)	
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 in an Initial Claim of Larry S. Merck, Administrative Law Judge, United States Department of Labor.

Joseph E. Wolfe, Brad A. Austin, and M. Rachel Wolfe (Wolfe Williams & Reynolds), Norton, Virginia, for claimant.

Carl M. Brashear (Hoskins Law Offices, PLLC), Lexington, Kentucky, for employer.

Sarah M. Hurley (M. Patricia Smith, Solicitor of Labor; Maia Fisher, 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, BUZZARD and ROLFE, Administrative Appeals Judges.

PER CURIAM:

Employer appeals the Decision and Order Awarding Benefits in an Initial Claim (2011-BLA-5744) of Administrative Law Judge Larry S. Merck (the administrative law judge), rendered on a claim filed pursuant to the provisions of the Black Lung Benefits Act, 30 U.S.C. §§901-944 (2012) (the Act). The administrative law judge credited claimant with 25.30 years of coal mine employment; determined that employer is the properly designated responsible operator; and adjudicated this claim, filed on June 15, 2009, pursuant to the regulatory provisions at 20 C.F.R. Part 718. The administrative law judge found that claimant established total respiratory disability pursuant to 20 C.F.R. §718.204(b) and, therefore, was entitled to invocation of the rebuttable presumption of total disability due to pneumoconiosis pursuant to Section 411(c)(4) of the Act, 30 U.S.C. §921(c)(4).[1] The administrative law judge further found that employer failed to establish rebuttal of the presumption. Accordingly, benefits were awarded.

On appeal, employer challenges its designation as the responsible operator in this case and the administrative law judge's determination that claimant established total respiratory disability pursuant to 20 C.F.R. §718.204(b). Employer also challenges the administrative law judge's findings on rebuttal. Claimant responds in support of the award of benefits. The Director, Office of Workers' Compensation Programs (the Director), has filed a limited response, asserting that employer is the properly designated responsible operator.[2]

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,

[1] Section 411(c)(4) of the Act provides a rebuttable presumption that a miner is totally disabled due to pneumoconiosis in cases where the claimant establishes fifteen or more years in underground coal mine employment, or coal mine employment in conditions substantially similar to those in an underground mine, and a totally disabling respiratory impairment. 30 U.S.C. §921(c)(4) (2012); *see* 20 C.F.R. §718.305.

[2] We affirm, as unchallenged on appeal, the administrative law judge's determination that claimant established more than fifteen years of qualifying coal mine employment. *See Skrack v. Island Creek Coal Co.*, 6 BLR 1-710 (1983); Decision and Order at 14.

and in accordance with applicable law.[3] 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).

Initially, employer, Apex Minerals, Incorporated (Apex Minerals or employer), contends that the administrative law judge erred in finding it to be the properly designated responsible operator. Employer maintains that the administrative law judge erred in finding it to be in a successor relationship with Eastern Coal Company (Eastern Coal), arguing that the evidence is insufficient to establish that Apex Minerals acquired all or substantially all of the assets of Eastern Coal. Employer's Brief at 8-9.

The administrative law judge found that claimant worked for Eastern Coal from March 1, 1972 through December 16, 1992, for a total of 20.66 years. Decision and Order at 8-10; Hearing Transcript at 17, 24; Director's Exhibit 31; Employer's Exhibit 13 at 31. The administrative law judge then found that claimant last worked for Apex Minerals from August 7, 1993 until he was injured on March 7, 1994, for a total of seven months. Decision and Order at 10; Employer's Exhibit 13 at 36; Director's Exhibit 7. Relying on the district director's findings and underlying documentation, including answers to interrogatories, Social Security Administration earnings records, Kentucky Department of Mines and Minerals records, and questionnaires filled out by claimant, as well as claimant's uncontradicted testimony, the administrative law judge determined that Apex Minerals was the successor operator to Eastern Coal and was properly designated the responsible operator in this case. Decision and Order at 11-13.

Generally, the coal mine operator that most recently employed a miner for a cumulative period of at least one year will be held liable as the operator responsible for the payment of benefits, if the operator is capable of assuming its liability for the payment of continuing benefits. *See* 20 C.F.R. §§725.494, 725.495. In the present case, while claimant was employed for less than one year with Apex Minerals, it will qualify as the responsible operator if it is considered a successor operator to Eastern Coal. *Id.* A "successor operator" is defined as "[a]ny person who, on or after January 1, 1970, acquired a mine or mines, or substantially all of the assets thereof, from a prior operator, or acquired the coal mining business of such operator, or substantially all of the assets thereof[.]" 20 C.F.R. §725.492(a). In any case in which an operator is a successor,

[3] The Board will apply the law of the United States Court of Appeals for the Sixth Circuit, as claimant was last employed in the coal mining industry in Kentucky. *See Shupe v. Director, OWCP*, 12 BLR 1-200, 1-202 (1989)(en banc); Director's Exhibit 12; Decision and Order at 10.

employment with a prior operator shall also be deemed to be employment with the successor operator. 20 C.F.R. §725.493(b)(1).

Employer argues that the evidence pertaining to the relationship between Apex Minerals and Eastern Coal "merely shows that Apex Minerals operated a mine on the same seam . . . using many of the same employees and much of the same equipment that had previously been used by Eastern Coal," but that there is no evidence that Apex Minerals acquired all or substantially all of the assets of Eastern Coal. Employer's Brief at 9. Specifically, employer points to statements made by claimant that Apex Minerals mined the same seam as Eastern Coal, that many of the same employees and equipment were present at Apex Minerals and at Eastern Coal, and that he understood that Eastern Coal "sold out" to Apex Minerals.[4] While employer does not dispute claimant's testimony, employer argues that the "mine permit number" referenced by Eastern Coal as being both the permit number operated under by Eastern Coal in 1992 and the permit number operated by Apex Minerals in 1993 was, in fact, "merely a reference number used to identify a mine's location on a map," and was not a mining permit.[5] *Id.* Employer asserts that, "at best, the evidence indicates only that Apex Minerals acquired some of the assets at one particular site" and is insufficient, therefore, to establish a successor relationship. *Id.* We disagree.

As the Director correctly points out, a successor relationship is not contingent on the acquisition of all of the prior operator's business; rather, that is merely one method of showing a successor relationship. Director's Brief at 2-3. Section 20 C.F.R. §725.492(a) provides that a successor relationship is established if a company acquires a single mine from the prior operator. *See* 20 C.F.R. §725.492(a); Director's Brief at 2-3. In this case, noting that employer presented no evidence to refute the district director's conclusion that it is a successor to Eastern Coal that meets the requisite criteria at 20 C.F.R. §725.494, the administrative law judge credited claimant's uncontradicted testimony[6] and the

[4] Claimant responded to questions posed by the district director in letters dated April 9, 2010 and August 6, 2010. Director's Exhibit 33.

[5] On March 25, 2010, Eastern Coal filed a Motion to Dismiss with the district director, asserting that Apex Minerals, and not Eastern Coal, was the operator responsible for any payment of benefits. In support of its motion, Eastern Coal maintained that "[a] review of Kentucky Department of Mines and Minerals shows that Eastern Coal operated under permit number 457 in 1992 and that Apex Minerals operated under the same permit number in 1993. (See Exhibit 2)." Director's Exhibit 31.

[6] Claimant testified at the hearing that he worked for Eastern Coal and that it "sold out to Massey [sic], to Apex, then I worked at Apex." Hearing Transcript at 17.

district director's supporting documentation, and permissibly found that employer, as the successor to Eastern Coal, is properly named the responsible operator. Decision and Order at 12-13. As substantial evidence supports the administrative law judge's findings, they are affirmed. *See Kentland Elkhorn Coal Corp. v. Hall*, 287 F.3d 555, 565, 22 BLR 2-349, 2-365 (6th Cir. 2002).

Turning to the merits, employer challenges the administrative law judge's finding that the arterial blood gas study evidence and medical opinion evidence establish total respiratory disability pursuant to 20 C.F.R. §718.204(b)(ii), (iv).[7] Employer contends that the administrative law judge failed to articulate why he credited claimant's most recent exercise blood gas study when claimant's second-to-last exercise study, taken just three months earlier, produced non-qualifying results.[8] Employer further asserts that the administrative law judge was "inconsistent and selective in his analysis of the evidence." Employer's Brief at 2-6. Employer's arguments lack merit.

At Section 718.204(b)(2)(ii), the administrative law judge considered blood gas studies conducted on September 3, 2009, December 17, 2009, April 11, 2012, May 15, 2012, and August 13, 2012. The administrative law judge determined that the blood gas study conducted by Dr. Habre in September of 2009 produced non-qualifying values at rest and qualifying values during exercise, Director's Exhibit 10, while Dr. Fino's December 2009 study produced qualifying values at rest and non-qualifying values after exercise. Employer's Exhibit 4. The April 2012 blood gas study conducted by Dr.

Claimant testified that when he worked for Apex it was the same coal seam and the same mine that he worked for Eastern Coal, but that the portal, or entry, changed. *Id.* at 25-26. Claimant testified that it was just the company name that was changed; he did not have to apply to be rehired and did not recall having to go for a pre-employment physical. *Id.* at 26.

[7] The administrative law judge found that the pulmonary function study evidence did not establish total disability pursuant to 20 C.F.R. §718.204(b)(2)(i), Decision and Order at 14-15, and that 20 C.F.R. §718.204(b)(2)(iii) was inapplicable, as the record contained no evidence of cor pulmonale with right-sided congestive heart failure. Decision and Order at 17 n.14.

[8] A "qualifying" blood gas study yields values that are equal to or less than the appropriate values set out in the table at 20 C.F.R. Part 718, Appendix C. A "non-qualifying" study yields values that exceed those in the table. 20 C.F.R. §718.204(b)(2)(ii).

Gallai, who measured only resting blood gases, produced qualifying results. Claimant's Exhibit 2. The administrative law judge further determined that the blood gas study conducted by Dr. Rosenberg in May of 2012 produced non-qualifying results both at rest and during exercise,[9] Employer's Exhibit 5, and that the study conducted by Dr. Klayton in August of 2012 produced non-qualifying results at rest and qualifying results during exercise. Claimant's Exhibit 8.

In considering the blood gas study evidence, the administrative law judge reasonably accorded the most weight to the exercise study results, finding that they were more indicative of claimant's respiratory ability to perform his usual coal mining work, which involved strenuous labor. Decision and Order at 16, 17. Noting that the May 15, 2012 exercise study produced near-qualifying results and the August 13, 2012 exercise study produced qualifying results, the administrative law judge permissibly found that the most recent qualifying arterial blood gas study taken on August 13, 2012, was more probative of claimant's condition and indicative of whether he had the respiratory capacity to perform his usual coal mine work. *See Woodward v. Director, OWCP*, 991 F.2d 314, 319-20, 17 BLR 2-77, 2-84-85 (6th Cir. 1993). As it is supported by substantial evidence, we affirm the administrative law judge's finding that the blood gas study evidence supports a finding of total disability pursuant to 20 C.F.R. §718.204(b)(2)(ii).

In evaluating the conflicting medical opinions at Section 718.204(b)(2)(iv), the administrative law judge accurately summarized the explanations and bases for the various physicians' conclusions. The administrative law judge permissibly found that the opinions of Drs. Habre[10] and Klayton[11] that claimant has a totally disabling pulmonary

[9] Dr. Rosenberg determined that the shape of the flow-volume curves indicated "incomplete efforts" by claimant. Employer's Exhibit 5 at 2; Employer's Exhibit 9 at 6.

[10] Dr. Habre performed the Department of Labor examination on September 3, 2009 and provided a deposition on July 23, 2012. He opined that claimant is not able to perform his last coal mine employment, which would require intensive labor. Dr. Habre determined that claimant has a marked loss of ventilatory reserve based on the presence of hypoxemia with exertion, and that his pulmonary function study showed mild obstructive airway disease. Director's Exhibit 10; Employer's Exhibit 7.

[11] Dr. Klayton examined claimant on August 13, 2012 and provided a deposition on November 13, 2012. Noting that claimant's exercise blood gas study produced values that meet the Department of Labor's criteria for establishing total respiratory disability and that claimant was unable to walk more than 120 feet without having to stop and catch

impairment were well-reasoned and entitled to full probative weight, as they were supported by claimant's medical history, physical examination findings, the exertional requirements of claimant's usual coal mine employment, and the objective medical evidence. Decision and Order at 18-19, 26-28; *see Peabody Coal Co. v. Groves*, 277 F.3d 829, 836, 22 BLR 2-320, 2-330 (6th Cir. 2002), *cert. denied*, 537 U.S. 1147 (2003), *citing Director, OWCP v. Rowe*, 710 F.2d 251, 5 BLR 2-99 (6th Cir. 1983). The administrative law judge reasonably found, however, that the opinions of Drs. Gallai[12] and Fino,[13] who also determined that claimant has a totally disabling pulmonary impairment, were entitled to little weight because their explanations were vague and equivocal. Decision and Order at 19-23; Claimant's Exhibit 2; Employer's Exhibits 4, 6; *see Justice v. Island Creek Coal Co.*, 11 BLR 1-91, 1-94 (1988). Lastly, the administrative law judge permissibly found that Dr. Rosenberg's opinion[14] that claimant

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his breath, Dr. Klayton opined that claimant is totally disabled. Claimant's Exhibit 8; Employer's Exhibit 12.

[12] Dr. Gallai examined claimant on April 11, 2012 and determined that claimant is impaired from returning to his former coal mine employment due to his diminished pulmonary capacity from hypoxia. Claimant's Exhibit 2.

[13] Dr. Fino examined claimant on December 17, 2009, provided a deposition on February 9, 2010, and found no evidence of clinical or legal pneumoconiosis. He opined that claimant is totally disabled due to asthma, but neither smoking nor coal dust played a role in claimant's impairment. He determined that claimant has a partially reversible airway obstruction and some resting hypoxemia that returned to normal with exercise. Dr. Fino indicated that he based his diagnosis of asthma on an obstruction with improvement with bronchodilators and the lack of evidence of a reduction in diffusing capacity, indicating no emphysema or pulmonary fibrosis. Employer's Exhibits 4, 6.

[14] Dr. Rosenberg examined claimant on May 15, 2012 and provided a deposition on December 18, 2012. He opined that claimant does not have clinical or legal pneumoconiosis, and determined that claimant is not disabled from a pulmonary perspective. Dr. Rosenberg explained that claimant's oxygenation, while reduced, was preserved with exercise, indicating that claimant does not have any significant parenchymal lung disease. He opined that the linear scarring observed on x-ray likely relates to claimant's rheumatoid arthritis, which can cause scarring. He found no evidence that claimant has any impairment related to his past coal dust exposure. He further stated that any cough or sputum production was not due to coal dust, as industrial bronchitis is caused by direct irritation in the airways and relates to currently inhaled

has no pulmonary disability was also entitled to little weight, as the physician failed to satisfactorily explain how claimant's reduced oxygenation, while preserved with exercise, did not affect claimant's ability to perform his usual coal mining job that required lifting up to 100 pounds. Decision and Order at 19-26; Employer's Exhibits 5, 9; *see Rowe*, 710 F.2d at 254, 5 BLR at 2-103; *Clark v. Karst-Robbins Coal Co.*, 12 BLR 1-149, 1-155 (1989)(en banc). Although employer generally challenges these findings, its arguments amount to little more than a request that the Board reweigh the evidence, which we are not empowered to do. *See Anderson v. Valley Camp of Utah, Inc.*, 12 BLR 1-111 (1989); *Worley v. Blue Diamond Coal Co.*, 12 BLR 1-20 (1988). Accordingly, we affirm the administrative law judge's reliance on the opinions of Drs. Habre and Klayton to find that claimant established the existence of a totally disabling respiratory impairment at Section 718.204(b)(2)(iv).

After considering all relevant evidence together, like and unlike, the administrative law judge permissibly found that the well-reasoned opinions of Drs. Habre and Klayton, supported by the blood gas study evidence, were entitled to determinative weight. Decision and Order at 30; *see Tussey v. Island Creek Coal Co.*, 982 F.2d 1036, 17 BLR 2-16 (6th Cir. 1993); *Budash v. Bethlehem Mines Corp.*, 16 BLR 1-27 (1991)(en banc); *Fields v. Island Creek Coal Co.*, 10 BLR 1-19 (1987). As substantial evidence supports the administrative law judge's credibility determinations, we affirm his finding that claimant established total respiratory disability pursuant to Section 718.204(b) and is entitled to invocation of the Section 411(c)(4) presumption of total disability due to pneumoconiosis.

Because claimant invoked the Section 411(c)(4) presumption of total disability due to pneumoconiosis, the burden shifted to employer to rebut the presumption by establishing that claimant has neither legal nor clinical pneumoconiosis, or by establishing that "no part of the miner's respiratory or pulmonary total disability was caused by pneumoconiosis as defined in [20 C.F.R.] §718.201." 20 C.F.R. §718.305(d)(1)(i), (ii).

Employer contends that the administrative law judge erred in crediting the opinions of Drs. Habre, Gallai, and Klayton, and in discounting the opinions of Drs. Fino and Rosenberg, on the issues of legal pneumoconiosis[15] and disability causation.

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substances, but would dissipate within months after claimant was no longer exposed to coal dust. Employer's Exhibits 5, 9.

[15] Legal pneumoconiosis refers to "any chronic lung disease or impairment and its sequelae arising out of coal mine employment." 20 C.F.R. §718.201(a)(2). Clinical

Employer maintains that the administrative law judge selectively analyzed the opinions of Drs. Fino and Rosenberg, ignoring portions of the opinions and the explanations for the physicians' conclusions. Employer asserts that, contrary to the administrative law judge's findings, the opinions of Drs. Fino and Rosenberg are consistent with the preamble to the regulations and fully explain why the physicians eliminated coal dust exposure as a cause of claimant's impairment. Employer's Brief at 6-8. Employer's arguments lack merit.

In considering whether employer rebutted the presumed fact of legal pneumoconiosis, the administrative law judge reviewed the medical opinions of Drs. Fino and Rosenberg, the only medical opinions supportive of employer's burden on rebuttal. Decision and Order at 19-22, 23-26, 38-41; Employer's Exhibits 4, 5, 6, 9. The administrative law judge determined that Dr. Fino diagnosed reversible airway obstruction consistent with asthma, which he explained was a disease of the general population. Decision and Order at 19-22, 38-40. Dr. Fino opined that coal dust exposure was not a contributing cause of claimant's respiratory impairment because pneumoconiosis "is not a condition that will worsen over such a short period of time and then improve following bronchodilators." Employer's Exhibits 4, 6. Dr. Rosenberg similarly opined that claimant does not have legal pneumoconiosis, and that his preserved oxygenation with exercise indicates that he does not have any significant lung disease, but "likely had a degree of rheumatoid lung" related to claimant's rheumatoid arthritis and the drugs used in its treatment. Employer's Exhibit 9 at 7. Dr. Rosenberg further indicated that the adverse effects of industrial bronchitis would dissipate within months after coal dust exposure ceased. Thus, he opined that claimant's cough and sputum production were not related to his past coal dust exposure, because claimant left the mines almost twenty years ago. Decision and Order at 23-26, 40-41; Employer's Exhibits 5, 9.

The administrative law judge permissibly concluded that the opinions of Drs. Fino and Rosenberg were insufficiently reasoned, as he determined that both physicians failed to adequately address how more than twenty-one years of underground coal dust exposure could be excluded as a contributing or aggravating factor to claimant's pulmonary condition. Decision and Order at 38-41; *see Cornett v. Benham Coal, Inc.*,

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pneumoconiosis is defined as "those diseases recognized by the medical community as pneumoconiosis, *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).

227 F.3d 569, 22 BLR 2-107 (6th Cir. 2000); *Clark v. Karst-Robbins Coal Co.*, 12 BLR 1-149, 1-155 (1989)(en banc). Noting that the preamble to the 2001 revised regulations recognizes that "the term 'chronic obstructive pulmonary disease' (COPD) includes three disease processes characterized by airway dysfunction: chronic bronchitis, emphysema, *and asthma*," the administrative law judge found that Dr. Fino's opinion was not sufficiently reasoned as it failed to explain why claimant's asthma cannot be related to or aggravated by his coal dust exposure. Decision and Order at 39, *citing* 65 Fed. Reg. 79,920, 79,939 (Dec. 20, 2000) (emphasis added).

With respect to Dr. Rosenberg, the administrative law judge acknowledged that the physician cited to published research and acknowledged that pneumoconiosis can be a latent and progressive disease. However, the administrative law judge found that Dr. Rosenberg failed to explain with specificity how he eliminated claimant's over twenty-one years of underground coal dust exposure as a contributing or aggravating factor in claimant's chronic bronchitis, especially since the cited research was related to smoking and not coal dust exposure. Decision and Order at 40-41; Employer's Exhibits 5, 9; *see Big Branch Resources, Inc. v. Ogle*, 737 F.3d 1063, 1074, 25 BLR 2-431, 2-451 (6th Cir. 2013); *Crockett Colleries, Inc. v. Barrett*, 478 F.3d 350, 356, 23 BLR 2-472, 2-483 (6th Cir. 2007); *Clark*, 12 BLR at 1-155. As substantial evidence supports the administrative law judge's credibility determinations, we affirm his finding that the opinions of Drs. Fino and Rosenberg are insufficient to rebut the presumed fact of legal pneumoconiosis. Accordingly, we affirm the administrative law judge's determination that employer failed to rebut the Section 411(c)(4) presumption by establishing that claimant does not have pneumoconiosis.[16]

The administrative law judge permissibly determined that the same reasons that he provided for discrediting the opinions of Drs. Fino and Rosenberg on the issue of pneumoconiosis also undercut their opinions that no part of claimant's disabling respiratory or pulmonary impairment was caused by pneumoconiosis. Decision and Order at 35-36; *see* 20 C.F.R. §718.305(d)(1)(ii); *Ogle*, 737 F.3d at 1070, 25 BLR at 2-444; *Island Creek Kentucky Mining v. Ramage*, 737 F.3d 1050, 25 BLR 2-453 (6th Cir. 2013); *Scott v. Mason Coal Co.*, 289 F.3d 263, 22 BLR 2-372 (4th Cir. 2002); *Toler v. E. Associated Coal Corp.*, 43 F.3d 109, 19 BLR 2-70 (4th Cir. 1995). As substantial evidence supports the administrative law judge's findings, we affirm his conclusion that

[16] Because employer has failed to establish rebuttal pursuant to 20 C.F.R. §718.305(d)(1)(i)(A), we need not address employer's argument regarding the administrative law judge's weighing of the evidence relevant to the issue of clinical pneumoconiosis pursuant to 20 C.F.R. §718.305(d)(1)(i)(B). 30 U.S.C. §921(c)(4); 20 C.F.R. §718.305(d)(1)(i).

the opinions of Drs. Fino and Rosenberg are insufficient to rebut the presumed fact of disability causation.[17] 30 U.S.C. §921(c)(4); 20 C.F.R. §718.305(d)(1)(ii). Consequently, we affirm the administrative law judge's findings that employer failed to rebut the Section 411(c)(4) presumption and that claimant is entitled to benefits.

Accordingly, the administrative law judge's Decision and Order Awarding Benefits in an Initial Claim is affirmed.

SO ORDERED.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

GREG J. BUZZARD
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge

[17] Because it is employer's burden to affirmatively rebut the Section 411(c)(4) presumption, we decline to address employer's allegation that the opinions of Drs. Habre, Gallai, and Klayton are not well-reasoned and documented. Director's Exhibit 10; Employer's Exhibits 7, 9; Claimant's Exhibits 2, 8; *see Johnson v. Jeddo-Highland Coal Co.*, 12 BLR 1-53, 1-55 (1988); *Larioni v. Director, OWCP*, 6 BLR 1-1276, 1-1277 (1984).