U.S. Department of Labor

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

BRB No. 17-0464 BLA

GREGORY P. PRESTON	)	
	)	
Claimant-Petitioner	)	
	)	
v.	)	
	)	
PINNACLE PROCESSING, INCORPORATED	)	DATE ISSUED: 10/12/2018
	)	
and	)	
	)	
KENTUCKY EMPLOYERS MUTUAL INSURANCE	)	
	)	
Employer/Carrier-Respondents	)	
	)	
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 Paul C. Johnson, Jr., Administrative Law Judge, United States Department of Labor.

Leonard Stayton, Inez, Kentucky, for claimant.

Paul E. Jones and Denise Hall Scarberry (Jones & Walters, PLLC), Pikeville, Kentucky, for employer/carrier.

Before: HALL, Chief Administrative Appeals Judge, BUZZARD and ROLFE, Administrative Appeals Judges.

PER CURIAM:

Claimant appeals the Decision and Order Denying Benefits (2013-BLA-05448) of Administrative Law Judge Paul C. Johnson, Jr., rendered on a claim filed pursuant to 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 February 3, 2012.

The administrative law judge credited claimant with thirty-three years of coal mine employment at underground mines, but found that the evidence did not establish the existence of a totally disabling respiratory or pulmonary impairment pursuant to 20 C.F.R. §718.204(b)(2). The administrative law judge therefore found that claimant could not invoke the rebuttable presumption of total disability due to pneumoconiosis at Section 411(c)(4), 30 U.S.C. §921(c)(4) (2012),[1] or establish entitlement to benefits under 20 C.F.R. Part 718. The administrative law judge also found that because the record lacks evidence of complicated pneumoconiosis, the irrebuttable presumption of total disability due to pneumoconiosis at Section 411(c)(3) of the Act is inapplicable. 30 U.S.C. §921(c)(3); *see* 20 C.F.R. §718.304. Accordingly, the administrative law judge denied benefits.

On appeal, claimant challenges the administrative law judge's admission of Dr. Vuskovich's medical report, arguing that its admission exceeds the evidentiary limitations set forth at 20 C.F.R. §725.414(a)(3)(i). Claimant also asserts that the administrative law judge erred in finding the medical opinion evidence insufficient to establish total disability pursuant to 20 C.F.R. §718.204(b)(2) and, therefore, erred in finding that he failed to invoke the Section 411(c)(4) presumption. Employer responds, urging affirmance of the

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[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 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); *see* 20 C.F.R. §718.305. The administrative law judge properly found that because all of claimant's coal mine work was performed either underground or above ground at an underground mine site, all of his work constitutes qualifying employment for purposes of the fifteen-year presumption. *See Island Creek Kentucky Mining v. Ramage*, 737 F.3d 1050, 1058, 25 BLR 2-453, 2-468 (6th Cir. 2013); *Kanawha Coal Co. v. Director, OWCP* [*Kuhn*], 539 F. App'x 215, 218 (4th Cir. 2013); *Muncy v. Elkay Mining Co.*, 25 BLR 1-21, 1-29 (2011); *Alexander v. Freeman United Coal Mining Co.*, 2 BLR 1-497, 1-503-504 (1979); Decision and Order at 22-23.

denial of benefits. The Director, Office of Workers' Compensation Programs, did not file a response brief in this 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.[2] 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).

Evidentiary Limitations

We first address claimant's contention that the administrative law judge erred in admitting Dr. Vuskovich's report which, claimant asserts, constitutes a third affirmative medical report in violation of the evidentiary limitations at 20 C.F.R. §725.414(a)(3)(i). *See* Claimant's Brief at 14. Claimant contends that despite his objection at the hearing, the administrative law judge failed to rule on the admissibility of all or a portion of Dr. Vuskovich's report. Claimant's Brief at 15.

We reject claimant's arguments. The administrative law judge restricted employer to two narrative medical reports, those of Drs. Broudy and Jarboe. Hearing Transcript at 15; Decision and Order at 2. Contrary to claimant's contention, while the administrative law judge admitted Dr. Vuskovich's report, he took claimant's arguments into consideration and stated that he would only consider the report for the purpose of evaluating Dr. Rasmussen's diagnostic testing, as permitted by the regulations. Hearing Transcript at 15, *referencing* 20 C.F.R. §725.414(a)(3)(ii) (permitting employer to submit rebuttal evidence for each pulmonary function study or arterial blood gas study which claimant submits for the purpose of establishing entitlement); *see* Decision and Order at 2. Moreover, claimant agreed that Dr. Vuskovich's report could be admitted for this purpose. Hearing Transcript at 15. We therefore affirm the administrative law judge's decision to admit Dr. Vuskovich's report to consider the portions that attempt to rebut the diagnostic testing administered by Dr. Rasmussen. 20 C.F.R. §725.414(a)(3)(ii); *see Dempsey v. Sewell Coal Corp.*, 23 BLR 1-47 (2004) (en banc); *Clark v. Karst-Robbins Coal Co.*, 12 BLR 1-149 (1989) (en banc).

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[2] 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. *Shupe v. Director, OWCP*, 12 BLR 1-200, 1-202 (1989) (en banc); Director's Exhibit 3; Hearing Transcript at 21.

Invocation of the Section 411(c)(4) Presumption – Total Disability

A miner is considered totally disabled if his pulmonary or respiratory impairment, standing alone, prevents him from performing his usual coal mine work and comparable gainful work. *See* 20 C.F.R. §718.204(b)(1). In the absence of contrary probative evidence, a miner's total disability is established by qualifying[3] pulmonary function studies or arterial blood gas studies, evidence of pneumoconiosis and cor pulmonale with right-sided congestive heart failure, or medical opinions. 20 C.F.R. §718.204(b)(2)(i)-(iv).

The administrative law judge found that the pulmonary function study and blood gas study evidence does not establish total disability and that the record contains no evidence of cor pulmonale with right-sided congestive heart failure.[4] 20 C.F.R. §718.204(b)(2)(i), (ii), (iii); Decision and Order at 23-24. The administrative law judge also found that the medical opinion evidence fails to establish total disability at 20 C.F.R. §718.204(b)(2)(iv). Decision and Order at 25-28.

Claimant asserts that the administrative law judge erred in finding that the medical opinions do not establish total disability. 20 C.F.R. §718.204(b)(2)(iv).[5] The

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[3] A "qualifying" pulmonary function study or arterial blood gas study yields values that are equal to or less than the applicable table values listed in Appendices B and C of 20 C.F.R. Part 718. A "non-qualifying" study exceeds those values. 20 C.F.R. §718.204(b)(2)(i), (ii).

[4] The administrative law judge considered three pulmonary function studies performed on February 24, 2012, May 14, 2012, and April 21, 2016, and correctly found that all three studies are non-qualifying. Decision and Order at 9; Director's Exhibits 11, 12; Employer's Exhibit 3. The administrative law judge also considered three blood gas studies conducted on February 24, 2012, May 14, 2012 and April 21, 2016. Decision and Order at 9-10. The February 24, 2012 blood gas study conducted by Dr. Rasmussen produced qualifying values at rest and non-qualifying values with exercise. Director's Exhibit 11. The May 14, 2012 study conducted by Dr. Broudy produced non-qualifying values both at rest and with exercise. Director's Exhibit 13. The April 21, 2016 study conducted by Dr. Jarboe produced non-qualifying values at rest. Exercise studies were not performed. Employer's Exhibit 3.

[5] We affirm, as unchallenged on appeal, the administrative law judge's findings that claimant failed to establish total respiratory or pulmonary disability pursuant to 20 C.F.R. §718.204(b)(2)(i)-(iii), and that there was no evidence of record establishing the existence

administrative law judge considered the opinions of Drs. Rasmussen, Cohen, Sood, Broudy and Jarboe. Decision and Order at 10-22, 25-28. Drs. Rasmussen, Cohen, and Sood opined that claimant suffers from a totally disabling pulmonary impairment; Drs. Broudy and Jarboe opined that claimant is not disabled from a pulmonary standpoint. The administrative law judge also considered claimant's deposition and hearing testimony regarding the exertional requirements of his usual coal mine work. Hearing Transcript at 34; Decision and Order at 4.

Claimant stated that he worked as a coal preparation plant superintendent for the last seven years of his coal mine employment. This job included electrical work, shoveling, cleaning, lifting components, changing dryer screens, and whatever was necessary to keep the plant running. Hearing Transcript at 21-22; Director's Exhibit 12 at 11-12. He explained that "in coal preparation, there are a lot of spills, and shoveling is part of it." *Id.* at 24. If he had to get under a dryer, get under a screen, or change a motor, he would do it. Hearing Transcript at 21-25. While his duties included timekeeping and paperwork, he also did manual labor for two to three hours a day. *Id.* at 42. He lifted as much as 100 pounds "throughout his career," but during his job as a plant superintendent he lifted "probably 50" pounds.[6] *Id.* at 22-24. His normal routine also required that he walk along elevated walkways and climb up and down eight to nine flights of stairs daily.[7] *Id.* at 25, 42-43. Claimant explained that a preparation plant is "nothing but stairs" and when he began experiencing shortness of breath climbing to the top of the silo or the top of the plant, to the point that he couldn't effectively do his job, he resigned. Director's Exhibit 20 at 14-15.

Considering the medical opinions in light of claimant's testimony, the administrative law judge found that Drs. Rasmussen and Cohen did not have an accurate understanding of the exertional requirements of claimant's usual coal mine work. *Id.* at 18-19. He further found that Drs. Rasmussen, Cohen, and Sood failed to adequately explain their opinions in light of the non-qualifying objective test results obtained by Drs.

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of complicated pneumoconiosis pursuant to 20 C.F.R. §718.304. *See Skrack v. Island Creek Coal Co.,* 6 BLR 1-710, 1-711 (1983); Decision and Order at 23-24.

[6] Claimant testified that while the chain he lifted weighed 15 or 20 pounds, the chain ratchet weighed 40 or 50 pounds. Hearing Transcript at 22-23. He also changed dryer screens weighing between 75 and 100 pounds, but "usually two or three people" lifted them together. *Id.*

[7] Claimant testified that there was a freight elevator but it was slow and difficult to operate so it was just used to haul parts. Hearing Transcript at 42-43.

Broudy and Jarboe. Thus, he concluded that the opinions of Drs. Rasmussen, Cohen, and Sood are not well-reasoned and, therefore, insufficient to establish total respiratory disability pursuant to 20 C.F.R. §718.204(b)(2).[8]

We agree with claimant that the administrative law judge erred in discrediting the opinion of Dr. Rasmussen. Claimant's Brief at 10-13, 17-20. Dr. Rasmussen examined claimant, performed objective testing, and reviewed Dr. Broudy's opinion and testing. Director's Exhibit 11. Dr. Rasmussen diagnosed a moderate gas exchange impairment based on the results of the February 24, 2012 exercise blood gas study he performed and stated that claimant achieved an oxygen consumption of 18.3, which equates to an ability to perform moderate to heavy labor. *Id.* Because he found that claimant's last coal mine employment required heavy, with some very heavy, manual labor, Dr. Rasmussen concluded that claimant lacks the respiratory capacity to perform his usual coal mine work. *Id.*

In finding his opinion not credible, the administrative law judge noted that while the resting blood gas study Dr. Rasmussen performed produced qualifying values, the exercise study did not. Decision and Order at 27; Director's Exhibit 11. The United States Court of Appeals for the Sixth Circuit has held that a doctor can offer a reasoned medical opinion diagnosing total disability even though the objective testing is non-qualifying. *See Cornett v. Benham Coal, Inc.*, 227 F.3d 569, 587, 22 BLR 2-107, 2-124 (6th Cir. 2000); *see also Killman v. Director, OWCP*, 415 F.3d 716, 721-22, 23 BLR 2-250, 2-259 (7th Cir. 2005); *Estep v. Director, OWCP*, 7 BLR 1-904, 1-905 (1985); *see also* 20 C.F.R. §718.204(b)(2)(iv) ("total disability may nevertheless be found if a physician exercising reasoned medical judgment . . . concludes that a miner's respiratory or pulmonary condition prevents or prevented the miner from engaging in [coal mine] employment").

Here, Dr. Rasmussen stated that he considered claimant to be totally disabled despite his non-qualifying exercise blood gas study results because claimant's exercise PO2 value was only one millimeter above the listed values for a qualifying study, which is "virtually insignificant." Director's Exhibit 11 at 49, 84. Dr. Rasmussen explained that one millimeter was within the measurable accuracy of the analyzer and it would "make no difference to whether claimant is disabled or not if his PO2 was one millimeter lower." Director's Exhibit 11 at 49, 84. Dr. Rasmussen emphasized that the test also showed a moderate impairment. Director's Exhibit 11 at 84. In light of Dr. Rasmussen's opinion, the administrative law judge has not explained, as required by the Administrative

[8] The administrative law judge declined to critically analyze the opinions of Drs. Broudy and Jarboe, noting that they do not assist claimant in meeting his burden to establish total disability. Decision and Order at 28.

Procedure Act (APA), why the non-qualifying nature of Dr. Rasmussen's exercise blood gas study undermines his opinion.[9] *See* 5 U.S.C. §557(c)(3)(A), as incorporated into the Act by 30 U.S.C. §932(a) (providing that every adjudicatory decision be accompanied by a statement of "findings and conclusions, and the reasons or basis therefor, on all the material issues of fact, law, or discretion presented on the record"); *Wojtowicz v. Duquesne Light Co.*, 12 BLR 1-162, 1-165 (1989); Decision and Order at 27.

The administrative law judge further found that Dr. Rasmussen based his opinion in part on the mistaken belief that claimant had to lift 100 pounds in his employment as a coal preparation plant superintendent. Decision and Order at 27. As claimant asserts, while the administrative law judge considered claimant's testimony regarding his work as a coal preparation plant superintendent, he did not make a specific finding as to the physical demands of that position, e.g., whether it involved mild, moderate, heavy, or very heavy labor. Claimant's Brief at 17-18. Moreover, we agree with claimant that whether he had to lift 100 pounds is not itself determinative of whether he can perform his usual coal mine work, in light of the exertional requirements to which he testified and on which Dr. Rasmussen relied. Claimant's Brief at 13.

Dr. Rasmussen noted that in his job as a coal preparation plant superintendent, claimant did "considerable stair climbing . . . heavy lifting helping to make repairs . . . [and] considerable heavy manual labor." Director's Exhibit 11 at 43. Further, he specifically opined that based on claimant's oxygen consumption he "wouldn't be able to . . . climb a flight of stairs vigorously." Director's Exhibit 11 at 97. In light of claimant's testimony that his normal routine required him to climb up and down eight to nine flights of stairs, the administrative law judge has not explained how Dr. Rasmussen's possible

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[9] The administrative law judge additionally discredited Dr. Rasmussen's opinion because while the February 24, 2012 exercise test summary report listed an oxygen consumption rate of 18.3 milliliters per kilogram per minute, Dr. Rasmussen's narrative report lists an oxygen consumption rate of 19.5 milliliters per kilogram per minute. Decision and Order at 27; Director's Exhibit 11 at 9, 49. When asked about the discrepancy, Dr. Rasmussen attributed the difference to a typographical error in his report. Decision and Order at 27, *referencing* Director's Exhibit 11 at 85. Further, Dr. Rasmussen concluded that claimant's oxygen consumption, whether 18.3 or 19.5, reflects that he is totally disabled because claimant's job requires an oxygen consumption of up to 25 milliliters per kilogram per minute. Director's Exhibit 11 at 49, 85-86. In light of these factors, the administrative law judge has not adequately explained why the variation between the values recorded on the test itself and in Dr. Rasmussen's written report calls into question the credibility of Dr. Rasmussen's conclusions. *See Wojtowicz v. Duquesne Light Co.*, 12 BLR 1-162, 1-165 (1989); Decision and Order at 27.

misunderstanding of whether claimant had to lift 100 pounds undermined his opinion that claimant is totally disabled.[10] Thus, this aspect of the administrative law judge's decision also does not comply with the APA. *See Wojtowicz*, 12 BLR at 1-165; Decision and Order at 27.

There is also merit to claimant's assertion that the administrative law judge erred in discrediting Dr. Rasmussen's opinion because "[he] concedes that Dr. Broudy's [exercise blood gas study] results do not establish total disability" and "Dr. Broudy's results in fact do not establish total disability." Decision and Order at 27, *see* Claimant's Brief at 22-23. Contrary to the administrative law judge's characterization, Dr. Rasmussen stated that *if* Dr. Broudy successfully obtained a blood sample by single stick during exercise, then his exercise study would be a valid indicator of normal blood gases. Director's Exhibit 11 at 87. Dr. Rasmussen emphasized, however, that he questioned whether Dr. Broudy's exercise study was properly performed because it is very difficult to take a blood sample during exercise using the single stick method, and the results are invalid nine out of ten times. *Id.* Further, as claimant correctly asserts, the administrative law judge did not consider that claimant's testimony supports Dr. Rasmussen's opinion regarding the validity of Dr. Broudy's exercise blood gas study.[11] *See* 30 U.S.C. §923(b) (the fact finder must address all relevant evidence); Claimant's Brief at 22-25. Specifically, claimant testified that during Dr. Broudy's exercise blood gas study his blood was drawn after he "stopped exercising . . . got off the treadmill, went over and sat down in a chair." Hearing Transcript at 28; *see* 20 C.F.R. §718.105(b) (providing that "[i]f an exercise blood-gas test is administered, blood shall be drawn during exercise").

Finally, we agree with claimant that the administrative law judge erred in discrediting Dr. Rasmussen's opinion because "[he] and Dr. Vuskovich looked at the same [diagnostic testing] results and came to opposite conclusions." Decision and Order at 27; Claimant's Brief at 14, 17. The administrative law judge noted that Drs. Rasmussen and Vuskovich disagreed about aspects of Dr. Rasmussen's testing: whether claimant's A-a gradient was normal at peak exercise; the effect of the unusually low barometric pressure

[10] Further, while Dr. Rasmussen asserted that "[claimant] wouldn't be able to lift a 100-pound weight," something claimant stated he was required to do only with the help of others, neither Dr. Rasmussen's report nor his deposition testimony reflects that he relied on a 100-pound lifting requirement to conclude that claimant is totally disabled. Director's Exhibit 11 at 97.

[11] Claimant also challenged the validity of Dr. Broudy's exercise blood gas study in his post-hearing brief to the administrative law judge. Claimant's Post-Hearing Brief at 14-15.

on the day of Dr. Rasmussen's testing; the most accurate method of measuring gas diffusing capacity; why claimant did not exercise to his predicted peak; whether claimant was hyperventilating during his exercise blood gas study; and the significance of measured tidal volume. Decision and Order at 25-27; Employer's Exhibit 13. Addressing each disagreement in turn, the administrative law judge found that with respect to most points, either "it boil[ed] down to a professional disagreement" or neither physician had adequately explained his opinion. Decision and Order at 25-26. The administrative law judge concluded that "[t]wo well-qualified physicians have looked at the same evidence and come to diametrically opposed conclusions, showing professional disagreements over the minutiae of the diagnostic testing; given the lack of rationale by either for his opinion, I cannot find that Dr. Rasmussen's opinion is entitled to any more weight than that of any other physician." Decision and Order at 27.

We note, however, that on the question of whether claimant did not exercise to his predicted peak because he could not, or because he would not, the administrative law judge *credited* Dr. Rasmussen's explanation over that of Dr. Vuskovich. Decision and Order at 26. Thus, substantial evidence does not support the administrative law judge's conclusion that neither physician offered an adequate rationale for his opinion. *Martin v. Ligon Preparation Co*., 400 F.3d 302, 305, 23 BLR 2-261, 2-283 (6th Cir. 2005). Further, even if this were not the case, given his conclusion that the opposing opinions of Drs. Rasmussen and Vuskovich are essentially equal, the administrative law judge failed to explain why Dr. Vuskovich's opinion necessarily undermines Dr. Rasmussen's opinion regarding total disability. *See Wojtowicz*, 12 BLR at 1-165. For the foregoing reasons, we vacate the administrative law judge's determination to discredit Dr. Rasmussen's opinion pursuant to 20 C.F.R. §718.204(b)(2)(iv).

We also vacate the administrative law judge's discrediting of Dr. Cohen's opinion. Dr. Cohen reviewed the medical opinions of Drs. Rasmussen, Broudy, and Jarboe. Based on the results of Dr. Rasmussen's exercise blood gas study, Dr. Cohen opined that claimant lacks the respiratory capacity to perform heavy manual labor.[12] Thus, Dr. Cohen concluded that claimant is totally disabled from performing his usual coal mine work. Claimant's Exhibit 2 at 18-19. The administrative law judge law judge discredited Dr. Cohen's opinion, in part, as based on the mistaken belief that claimant had to lift dryer screens weighing 75 to 100 pounds. Decision and Order at 28. As discussed above, however, and

[12] In response to claimant's counsel's assertion that claimant "did work consisting of lifting components, including changing screens and doing general maintenance, and that he would be lifting as much as 75 to 100 pounds," Dr. Cohen stated that such work "would be heavy manual labor," which claimant would not be able to do. Claimant's Exhibit 2 at 12.

as claimant asserts, the administrative law judge did not make a finding as to whether, regardless of the maximum lifting requirements, claimant's job nonetheless constituted heavy labor which Dr. Cohen stated he could not do. Claimant's Brief at 19.

We further find merit in claimant's contention that, contrary to the administrative law judge's finding, Dr. Cohen explained why he determined that Dr. Rasmussen's exercise blood gas study is a better indicator of claimant's respiratory capacity than Dr. Broudy's exercise blood gas study. Decision and Order at 28; Claimant's Brief at 18-19. Dr. Cohen explained that exercise blood gas studies, overall, are better predictors of functional capacity than resting blood gas studies, because people can have gas exchange abnormalities that only develop with exercise due to the reduced transit time of the red blood cells and the pulmonary capillaries. Claimant's Exhibit 2 at 9. Dr. Cohen noted that claimant reached a heart rate of 137 during Dr. Rasmussen's exercise study, but only reached a heart rate of 123 during Dr. Broudy's exercise study. *Id.* Dr. Cohen explained that a higher heart rate is reflective of a greater degree of exertion and, thus, would be more useful in understanding what someone's gas exchange might be with heavy exertion. Thus, Dr. Cohen concluded that Dr. Rasmussen's exercise blood gas study would be better than Dr. Broudy's study for predicting whether claimant has an oxygen transfer impairment. *Id.* at 9-10. In light of Dr. Cohen's opinion, the administrative law judge has not explained his finding that Dr. Cohen "did not supply a sufficient basis" for his conclusion that Dr. Rasmussen's exercise blood gas study is more probative than Dr. Broudy's study. *See Wojtowicz*, 12 BLR at 1-165.

As the administrative law judge failed to address relevant evidence and adequately explain his findings in accordance with the APA, we must vacate his finding that the medical opinion evidence does not establish total disability at 20 C.F.R. §718.204(b)(2)(iv), and remand this case for further consideration of this issue. *See* 30 U.S.C. §923(b); *Wojtowicz*, 12 BLR at 1-165; *McCune v. Central Appalachian Coal Co.*, 6 BLR 1-996, 1-998 (1984) (fact finder's failure to discuss relevant evidence requires remand).

Remand Instructions

On remand, the administrative law judge is instructed to determine the exertional requirements of claimant's work as a coal preparation plant superintendent, including whether it involved mild, moderate, heavy, or very heavy labor.[13] *See Cornett*, 227 F.3d

[13] In so doing, he should consider claimant's argument that the Dictionary of Occupational Titles defines heavy work as lifting up to 50 pounds frequently and up to 100 pounds occasionally. Claimant's Brief at 13.

at 578, 22 BLR at 2-124; *Cross Mountain Coal, Inc. v. Ward*, 93 F.3d. 211, 218-19, 20 BLR 2-360, 2-374 (6th Cir. 1996). The administrative law judge should also address claimant's challenge to the validity of Dr. Broudy's exercise blood gas study. Then the administrative law judge should reconsider all of the medical opinions in conjunction with these determinations, and in light of our holdings as set forth above. *See Cornett,* 227 F.3d at 578, 22 BLR at 2-124; *Ward*, 93 F.3d. at 218-19, 20 BLR at 2-374. He must fully explain the reasons for his credibility determinations in light of the physicians' explanations for their medical findings, the documentation underlying their medical judgments, and the sophistication of, and bases for, their diagnoses. *See Director, OWCP v. Rowe*, 710 F.2d 251, 255 (6th Cir. 1983).

Should the administrative law judge find total disability established based on the medical opinion evidence at 20 C.F.R. §718.204(b)(2)(iv), he must weigh all the relevant evidence together, like and unlike, to determine whether claimant has established the existence of a totally disabling respiratory or pulmonary impairment pursuant to 20 C.F.R. §718.204(b). *See Fields v. Island Creek Coal Co*., 10 BLR 1-19 (1987); *Shedlock v. Bethlehem Mines Corp.*, 9 BLR 1-195, 1-198 (1986), *aff'd on recon.*, 9 BLR 1-236 (1987) (en banc).

If the administrative law judge determines that claimant has established total disability pursuant to 20 C.F.R. §718.204(b)(2), claimant will have invoked the Section 411(c)(4) presumption, in light of the finding that claimant has twenty-two years of qualifying coal mine employment. 30 U.S.C. §921(c)(4) (2012); 20 C.F.R. §718.305(b)(1), (c)(1). The administrative law judge must then, on remand, determine whether employer has rebutted the presumption. *See* 20 C.F.R. §718.305(d)(1)(i), (ii).

Alternatively, if the administrative law judge finds that claimant cannot establish a totally disabling respiratory impairment, the administrative law judge may reinstate the denial of benefits, as total disability is an essential element of entitlement under 20 C.F.R. Part 718. *Anderson v. Valley Camp of Utah, Inc.*, 12 BLR 1-111, 1-112 (1989); *Trent v. Director, OWCP,* 11 BLR 1-26, 1-27 (1987).

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

BETTY JEAN HALL, Chief
Administrative Appeals Judge

GREG J. BUZZARD
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge