BRB No. 00-0808 BLA

MELVIN A. REED	)	
	)	
Claimant-Petitioner	)	
	)	
v.	)	DATE ISSUED:
	)	
DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR	)	
	)	
Respondent	)	DECISION and ORDER

Appeal of the Decision and Order - Denying Benefits of Lawrence P. Donnelly, Administrative Law Judge, United States Department of Labor.

Helen M. Koschoff, Wilburton, Pennsylvania, for claimant.

Jennifer U. Toth (Judith E. Kramer, Acting Solicitor of Labor; Donald S. Shire, Associate Solicitor; Rae Ellen Frank James, Deputy Associate Solicitor; Richard A. Seid and 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: SMITH and DOLDER, Administrative Appeals Judges, and NELSON, Acting Administrative Appeals Judge.

PER CURIAM:

Claimant appeals the Decision and Order - Denying Benefits (99-BLA-0632) of Administrative Law Judge Lawrence P. Donnelly 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).[1] This case involves a request for modification of the denial of a duplicate claim. Claimant filed a duplicate claim on May 15, 1996.[2] In a Decision and Order

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[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 65 Fed. Reg. 80,045-80,107 (2000)(to be codified at 20 C.F.R. Parts 718, 722, 725 and 726). All citations to the regulations, unless otherwise noted, refer to the amended regulations.

[2]Claimant filed a prior claim for benefits on December 6, 1976. Director's Exhibit 18. The claim was finally denied on June 26, 1979 by the district director, who determined that

dated June 16, 1997, Administrative Law Judge Ainsworth H. Brown credited claimant with fourteen years of coal mine employment, and considered the claim under the applicable regulations at 20 C.F.R. Part 718 (2000). Judge Brown determined that the existence of pneumoconiosis was not at issue inasmuch as claimant established that element of entitlement in his prior claim.[3] Judge Brown then found that the evidence submitted in connection with the duplicate claim was insufficient to establish total disability pursuant to 20 C.F.R. §718.204(c)(1)-(4) (2000). Consequently, he denied benefits.[4] Claimant appealed.

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claimant failed to establish that his pneumoconiosis arose out of coal mine employment, and that he was totally disabled due to pneumoconiosis. *Id.* Claimant took no further action in pursuit of benefits until filing the duplicate claim on May 15, 1996. Director's Exhibit 1.

[3]Administrative Law Judge Ainsworth H. Brown did not render a specific finding that claimant's pneumoconiosis arose out of his coal mine employment, but the administrative law judge implicitly found that claimant established entitlement to the rebuttable presumption of pneumoconiosis arising out of coal mine employment at 20 C.F.R. §718.203(b) (2000), and that the presumption was not rebutted, as evinced by his findings that claimant established fourteen years of coal mine employment, and that the "real issues" before him on modification were total disability and total disability due to pneumoconiosis. Decision and Order of Ainsworth H. Brown at 3.

[4]Judge Brown's finding that the new evidence was insufficient to establish total disability under 20 C.F.R. §718.204(c)(1)-(4) was tantamount to a finding that a material change in conditions was not established pursuant to 20 C.F.R. §725.309 (2000). Decision and Order of Ainsworth H. Brown at 5.

The Board affirmed, as unchallenged on appeal, Judge Brown's length of coal mine employment, and his finding that claimant did not establish total disability pursuant to Section 718.204(c)(2) and (c)(3) (2000). *Reed v. Director, OWCP*, BRB No. 97-1377 BLA (June 26, 1998)(unpublished). The Board also affirmed Judge Brown's findings that the pulmonary function study evidence and medical opinion evidence was insufficient to establish total disability under Section 718.204(c)(1) and (c)(4) (2000), respectively, and, accordingly, affirmed the denial of benefits. *Id.*

Claimant thereafter filed a timely request for modification. In a Decision and Order dated April 20, 2000, Administrative Law Judge Lawrence P. Donnelly (the administrative law judge)[5], found the newly submitted evidence on modification, and the previously considered evidence submitted with the duplicate claim, insufficient to establish total disability under Section 718.204(c)(1)-(4) (2000). Consequently, the administrative law judge denied benefits. On appeal, claimant argues that the administrative law judge erred in failing to consider the entire record and in failing to make a finding as to whether a mistake in a determination of fact was established pursuant to 20 C.F.R. §725.310. Claimant further contends that the administrative law judge erred in admitting Dr. Sahillioglu's invalidations of two qualifying pulmonary function studies, evidence which the Director did not exchange with claimant until five days before the hearing. In addition, claimant challenges the administrative law judge's weighing of the pulmonary function studies, arterial blood gas studies and medical opinions under Section 718.204(c)(1), (c)(2) and (c)(4) (2000). The Director, Office of Workers' Compensation Programs (the Director), has filed a Motion to Remand this case for the administrative law judge to reconsider the qualifying, at-rest arterial blood gas study administered on April 27, 1999, and to reconsider whether the relevant evidence, as a whole, is sufficient to establish total disability under Section 718.204.[6]

Pursuant to a lawsuit challenging revisions to forty-seven of the regulations implementing the Act, the United States District Court for the District of Columbia granted limited injunctive relief and stayed, for the duration of the lawsuit, all claims pending on appeal before the Board under the Act, except for those in which the Board, after briefing by the parties to the claim, determines that the regulations at issue in the lawsuit will not affect

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[5]This case was reassigned to Judge Donnelly as Judge Brown was unavailable to render a decision.

[6]We affirm, as unchallenged on appeal, the administrative law judge's finding that the evidence of record was insufficient to establish total disability pursuant to 20 C.F.R. §718.204(c)(3) (2000). *Skrack v. Island Creek Coal Co.*, 6 BLR 1-710 (1983); Decision and Order at 5; *see* 20 C.F.R. §718.204(b)(2)(iii).

the outcome of the case. *National Mining Ass'n v. Chao*, No. 1:00CV03086 (D.D.C. Feb. 9, 2001)(order granting preliminary injunction). In the present case, the Board established a briefing schedule in an Order issued on March 9, 2001, to which claimant and the Director have responded. Claimant and the Director are in agreement that the new regulations at issue in the lawsuit will not affect the outcome of this claim. Based upon the positions of the parties, and our review, we hold that the disposition of this case is not impacted by the challenged regulations. Therefore, the Board will adjudicate the merits of 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. 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, we reject claimant's contention that the administrative law judge's Decision and Order should be vacated on the ground that the administrative law judge did not consider the entire record of evidence and make a specific finding as to whether there was a mistake in a determination of fact in the prior decision pursuant to Section 725.310. Contrary to claimant's contention, the administrative law judge addressed all of the relevant evidence submitted in connection with claimant's May 15, 1996 duplicate claim and his subsequent, November 5, 1998 request for modification. Decision and Order at 3-7. Although the administrative law judge did not consider the evidence with regard to total disability which was submitted in claimant's initial, December 6, 1976 claim, the administrative law judge's omission did not prejudice claimant, inasmuch as there was no evidence in the initial claim which, if credited, would support a finding of total disability pursuant to Section 718.204(c) (2000). The evidence regarding total disability which was submitted in the initial claim consisted of a non-qualifying pulmonary function study and arterial blood gas study[7] administered by Dr. Singzon on January 31, 1977, and Dr. Singzon's medical opinion indicating that claimant retained the respiratory capacity to perform his usual coal mine employment. Director's Exhibit 18. Accordingly, the administrative law judge's failure to consider this evidence on modification was harmless error. *See Larioni v. Director, OWCP*, 6 BLR 1-1276 (1984).

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[7]A "qualifying" pulmonary function study or arterial blood gas study yields values which are equal to or less than the applicable table values set forth in Appendices B and C of Part 718. *See* 20 C.F.R. §718.204(b)(2)(i) and (b)(2)(ii). A "non-qualifying" test yields values which exceed the requisite table values.

With regard to the administrative law judge's finding that the remaining evidence of record, *i.e.*, the evidence associated with the duplicate claim and the new evidence submitted on modification, was insufficient to establish total disability under Section 718.204(c)(1) (2000), claimant first argues that the administrative law judge erred, from a procedural standpoint, in admitting Director's Exhibit 70, which consists of Dr. Sahillioglu's report invaliding two qualifying pulmonary function studies along with the doctor's curriculum vitae. The Director did not exchange this evidence with claimant in compliance with the twenty day rule pursuant to 20 C.F.R. §725.456 (2000),[8] and claimant argues that it was error for the administrative law judge to admit the evidence without first making a specific finding of whether good cause existed for the Director's failure to comply with the twenty day rule.[9] This contention lacks merit. While it is undisputed that claimant did not receive from the Director the evidence admitted at Director's Exhibit 70 twenty or more days before the hearing, we agree with the Director that the administrative law judge's decision to admit the evidence was tantamount to a finding that the Director demonstrated good cause for not exchanging the evidence with claimant within the requisite twenty days. At the hearing, which was held on June 8, 1999, the administrative law judge did not specifically state that he found "good cause" pursuant to Section 725.456. However, the administrative law judge specifically stated that he accepted the Director's explanation that his delay in exchanging Dr. Sahillioglu's report with claimant was precipitated by the Director's own belated receipt of two pulmonary function studies from claimant, to which Dr. Sahillioglu's report was submitted in rebuttal.[10] Hearing Transcript at 16-20. Moreover, the administrative law judge

[8]While 20 C.F.R. §725.456 (2000) was amended, the amendments to this section apply only to claims filed on or after January 19, 2001. *See* 20 C.F.R. §725.456.

[9]20 C.F.R. §725.456(b)(1) (2000) provides, in pertinent part, that medical reports which were not submitted to the district director while the claim was before the district director may be received in evidence subject to the objection of any party, provided that such evidence is sent to all other parties at least twenty days in advance of a hearing in a claim. *See* 20 C.F.R. §725.456(b)(1) (2000). 20 C.F.R. §725.456(b)(2) (2000) provides, in pertinent part, that evidence not exchanged with all other parties within twenty days of a hearing may nevertheless be admitted by an administrative law judge upon a showing of good cause as to why the evidence was not exchanged within the requisite twenty days. *See* 20 C.F.R. §725.456(b)(2) (2000).

[10]The Director stated that he did not receive from claimant the qualifying pulmonary function studies, which were administered on March 25, 1999 and May 5, 1999, until May 17, 1999. The Director further stated that he exchanged Dr. Sahillioglu's report and curriculum vitae in rebuttal to these studies as expeditiously as possible, faxing the report to

kept the record open for thirty days as mandated under 20 C.F.R. §725.456(b)(3) (2000) to permit claimant to take such action as he deemed appropriate to respond to Dr. Sahillioglu's report, *id*. at 22, and admitted the rebuttal evidence submitted by claimant post-hearing. Decision and Order at 2; Claimant's Exhibits 10, 11. We reject, therefore, claimant's contention that the administrative law judge improperly admitted Dr. Sahillioglu's report and curriculum vitae into the record.

In challenging the administrative law judge's weighing of the pulmonary function studies under Section 718.204(c)(1) (2000), claimant argues that the administrative law judge improperly discounted the qualifying pulmonary function studies administered on June 17, 1996, December 11, 1996 and January 7, 1997, Director's Exhibits 8, 24, 27, which are associated with the duplicate claim, and the five pulmonary function studies submitted on modification, all of which are qualifying. Director's Exhibits 61, 68; Claimant's Exhibits 1, 2, 14. Claimant contends that the administrative law judge failed to provide an adequate explanation as to why the opinions of those physicians invalidating the studies were more persuasive than the opinions of those physicians who indicate that the studies were valid, in violation of the Administrative Procedure Act (the APA), 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).

Claimant asserts that the administrative law judge should have credited the qualifying post-bronchodilator values on the pulmonary function study administered by Dr. Green on June 17, 1996 in light of the administering technician's notation that claimant's effort was "fair" on that test, Director's Exhibit 8, and since Dr. Raymond Kraynak found the study to be valid. Director's Exhibit 36. This contention lacks merit. The administrative law judge concluded that the June 17, 1996 study was unreliable because Dr. Green stated that claimant exhibited sub-optimal effort as reflected by the spirometry tracings, and because claimant exhibited higher, non-qualifying values before bronchodilator medication was administered. Decision and Order at 5; Director's Exhibit 8. It was rational for the administrative law judge to discount the lower, qualifying values obtained after bronchodilators were administered since bronchodilator medication is designed to improve, rather than weaken, lung function. *See Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922 (6th Cir. 1987); *see generally Mancia v. Director, OWCP*, 130 F.3d 579, 21 BLR 2-215 (3d Cir.

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claimant on June 3, 1999. Hearing Transcript at 16-17, 19-20. The administrative law judge accepted the Director's explanation, in effect finding that this demonstrated good cause as to why Dr. Sahillioglu's report was not exchanged with claimant twenty days prior to the June 8, 1999 hearing. Hearing Transcript at 20.

1997). Accordingly, we affirm the administrative law judge's finding that the June 17, 1996 study was insufficient to establish total disability.

In contending that the administrative law judge improperly discounted the qualifying pulmonary function study conducted on December 11, 1996, claimant asserts that the administrative law judge erred in failing to credit Dr. Raymond Kraynak's opinion that claimant's effort was good, and that the study was, therefore, valid in light of the fact that Dr. Kraynak administered the test and thus had the opportunity to observe claimant. We disagree. Dr. Michos invalidated the December 11, 1996 study on the ground that there was a greater than 100cc and 5% variation between the two best FVC and FEV1 values, and sub-optimal MVV performance. Director's Exhibit 32. Although Dr. Raymond Kraynak refuted Dr. Michos' statement, and opined that there was no more than an 80ml variation between the two highest FEV1 values, and that the MVV tracings continued for twelve seconds in compliance with regulatory guidelines, Director's Exhibit 35, the administrative law judge properly credited Dr. Michos' opinion on the basis of Dr. Michos' superior qualifications in pulmonary medicine.[11] *See Roberts v. Bethlehem Mines Corp.*, 8 BLR 1-211 (1985); Decision and Order at 5. Furthermore, in stating that he could not find one opinion more supported by the evidence because he "[did not have] information on the exact values generated on the best and second-best efforts, with reference to where those values are shown on the tracings," Decision and Order at 5, the administrative law judge properly opted not to substitute his interpretation or calculation of the results of the study for the medical experts' analysis. *See generally Marcum v. Director, OWCP*, 11 BLR 1-23 (1987). Accordingly, we affirm the administrative law judge's finding that the December 11, 1996 pulmonary function study is insufficient to establish total disability.

Claimant further argues that the administrative law judge erred in crediting Dr. Ranavaya's invalidation of the pulmonary function study conducted on January 7, 1997. Director's Exhibit 35. We agree. Claimant asserts that the doctor's basis for opining that the study was invalid is not set forth in the governing regulations, as recognized by Dr. Raymond Kraynak, who reviewed Dr. Ranavaya's report and the tracings of the study itself in opining that the study was valid. *Id.* Dr. Ranavaya determined that claimant exhibited less than optimal cooperation and comprehension during the test, and determined that the study was invalid partly because the FVC maneuver did not last six seconds. *Id.* While claimant is

[11]The record reflects that Dr. Michos is Board-certified in internal medicine and Board-eligible in pulmonary medicine. Director's Exhibit 32. Dr. Raymond Kraynak is Board-eligible in family medicine. Director's Exhibit 36 at 6.

correct that the regulations require only a five second expiration for the FVC maneuver, *see* 20 C.F.R. Part 718, Appendix B, §2(ii)(G), Dr. Ranavaya provided another reason as to why he found the study invalid; *i.e.*, because there appeared to be excessive variability between efforts. *Id.* Thus, Dr. Ranavaya's invalidation of the study could, if properly credited, provide substantial evidence in support of a finding that the study is invalid. The administrative law judge does not appear to have provided an adequate basis for crediting Dr. Ranavaya's opinion, however. The administrative law judge credited Dr. Ranavaya's invalidation over Dr. Raymond Kraynak's opinion that the study was valid on the basis that Dr. Ranavaya's qualifications are equal to or better than Dr. Kraynak's in the field of pulmonary medicine. Decision and Order at 5. Without further explanation, the administrative law judge's finding in this regard is not rational or supported by substantial evidence. The record reflects that Dr. Ranavaya is not Board-certified in internal medicine or pulmonary medicine, but Board-certified in preventative and occupational medicine. Director's Exhibit 39. The administrative law judge did not provide an adequate rationale for concluding how this fact makes Dr. Ranavaya better qualified than Dr. Raymond Kraynak, who is Board-certified in family medicine, to assess claimant's pulmonary condition. We vacate, therefore, the administrative law judge's finding that the January 7, 1997 pulmonary function study is insufficient to establish total disability at Section 718.204(c)(1) (2000).

In challenging the administrative law judge's decision to discount the qualifying pulmonary function studies performed on October 1, 1998, March 25, 1999 and May 5, 1999, claimant contends that the administrative law judge erred in failing to credit, as well-reasoned, the opinions of Drs. Raymond Kraynak and Matthew Kraynak, which indicate that these studies are valid studies. Director's Exhibit 36; Claimant's Exhibits 9-11. This contention lacks merit. Whether a doctor's opinion is well-reasoned and documented is for the administrative law judge to decide. *See Clark v. Karst-Robbins Coal Co.*, 12 BLR 1-149 (1989)(*en banc*); *Tackett v. Cargo Mining Co.*, 12 BLR 1-11 (1988)(*en banc*). Furthermore, the administrative law judge properly accorded determinative weight to Dr. Michos' opinion that the October 1, 1998 study was invalid, and Dr. Sahillioglu's opinion that the March 25, 1999 and May 5, 1999 studies were invalid, based upon the superior qualifications of Drs. Michos and Sahillioglu in pulmonary medicine.[12] *See Roberts, supra*; Decision and Order at

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[12]As noted in footnote 11, *supra*, Dr. Michos is Board-certified in internal medicine and Board-eligible in pulmonary medicine, Director's Exhibit 32, and Dr. Raymond Kraynak is Board-eligible in family medicine. Director's Exhibit 36. Dr. Sahillioglu is Board-eligible

5; Director's Exhibits 32, 70.

We reject claimant's contention that the administrative law judge erred in deferring to Dr. Green's opinion that the April 27, 1999 pulmonary function study results were "uninterpretable" due to claimant's sub-optimal effort. Director's Exhibit 68. This test was not validated by any physician in the record, and the administrative law judge rationally found that it did not support a finding of total disability. Decision and Order at 5. The pre-bronchodilator results of the April 27, 1997 test were non-qualifying, while the post-bronchodilator results were higher, non-qualifying results. Director's Exhibit 68. As was the case with the administrative law judge's decision to discount the qualifying post-bronchodilator values in Dr. Green's June 17, 1996 pulmonary function study, it was rational for the administrative law judge to discount the lower, qualifying values obtained on the April 27, 1997 study after bronchodilators were administered, since bronchodilator medication is designed to improve, rather than weaken, lung function. *See Hardaway, supra; see generally Mancia, supra*.

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in internal medicine and pulmonary diseases. Director's Exhibit 70. Dr. Matthew Kraynak is Board-certified in family medicine. Claimant's Exhibit 9.

With regard to the final, September 21, 1999 pulmonary function study, claimant argues that the administrative law judge erred in rejecting the study without adequate explanation because the credibility of this study was unchallenged in the record. The administrative law judge properly discounted this qualifying study, however, because the values obtained during the study were disparately low in comparison to the values obtained in the other studies of record, including the three relatively contemporaneous studies administered on March 25, 1999, April 27, 1999 and May 5, 1999.[13] *See Baker v. North American Coal Co.*, 7 BLR 1-79 (1984); Decision and Order at 5; Claimant's Exhibit 14.

To summarize our review of the administrative law judge's findings with respect to the pulmonary function study evidence, we affirm the administrative law judge's decision to discount each of the qualifying studies of record, with the exception of the January 7, 1997 pulmonary function study. Contrary to claimant's contention, aside from the January 7, 1997 study, the administrative law judge provided an adequate rationale for discounting the qualifying studies of record, in compliance with the APA. We vacate the administrative law judge's rejection of the January 7, 1997 study, however, for the reason discussed *supra*. On remand, the administrative law judge must provide an adequate rationale for resolving the conflict posed by the conflicting opinions as to this study's validity, and must reweigh this study against the other pulmonary function study evidence of record to determine whether the pulmonary function study evidence is sufficient to establish total disability under 20 C.F.R. §718.204(b)(2)(i).

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[13]In this study, claimant exhibited an FEV1 of .74, an FVC of .88, and an MVV of 28. Claimant's Exhibit 14. The administrative law judge's finding that these values were disparately lower than the values obtained on the other pulmonary function studies of record is supported by substantial evidence. Decision and Order at 5.

Claimant further contends that the administrative law judge improperly discounted the qualifying at-rest arterial blood gas study values obtained on April 27, 1999 under Section 718.204(c)(2) (2000). The Director concedes that the administrative law judge erred in discounting the qualifying study, and that the case must be remanded for further consideration of this evidence. We agree. As claimant argues, the administrative law judge merely counted the number of qualifying versus non-qualifying arterial blood gas study results in the record without considering the fact that the qualifying, at-rest April 27, 1999 study was the most recent of record by approximately three years. Decision and Order at 5; Director's Exhibits 18, 67. Furthermore, as the Director states, the non-qualifying, after-exercise results of the April 27, 1999 test should not have been used by the administrative law judge to negate the at-rest values obtained on that test, which were qualifying. Section 718.105(d) (2000) provides that an exercise arterial blood gas study shall be conducted if the at-rest study does not produce qualifying results.[14] *See* 20 C.F.R. §718.105(d) (2000). As recognized by the United States Court of Appeals for the Eleventh Circuit in *Jim Walters Resources, Inc. v. Allen*, 995 F.2d 1027, 18 BLR 2-237 (11th Cir. 1993), the Department of Labor indicated in the comments to Section 718.105(d) (2000) that an arterial blood gas study after exercise should not be conducted if the at-rest study produces qualifying values.[15]

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[14]While 20 C.F.R. §718.105(d) (2000) was amended, the amendments to this section do not pertain to the specific provision that an exercise arterial blood gas study shall be conducted if the at-rest study does not produce qualifying results. *See* 20 C.F.R. §718.105(d). Additionally, we note those amendments which have been made to Section 718.105(d) (2000) apply only to claims filed on or after January 19, 2001. *See* 20 C.F.R. §718.105(d).

[15]The United States Court of Appeals for the Eleventh Circuit noted that the Comments to Section 718.105(d) indicate that "[t]he Department does not believe that individuals who have arterial blood oxygen pressures below the disabling level at rest should

See Jim Walters Resources, Inc. v. Allen, 995 F.2d 1027, 1029 n.2, 18 BLR 2-237, 2-241 n.2 (11th Cir. 1993). We vacate, therefore, the administrative law judge's finding that the arterial blood gas evidence was insufficient to establish total disability, and remand the case for the administrative law judge to reconsider whether the qualifying, April 27, 1999 blood gas study is sufficient to establish total disability under Section 718.204(b)(2)(ii).

Finally, claimant argues that the administrative law judge erred in discounting the medical opinions of Drs. Raymond Kraynak and Matthew Kraynak under Section 718.204(c)(4) (2000), which indicate that claimant is totally disabled due to pneumoconiosis. Director's Exhibits 27, 36; Claimant's Exhibits 3, 4, 11. Claimant contends that it was improper for the administrative law judge to reject these opinions on the ground that the doctors relied upon pulmonary function study results which the administrative law judge found to be "questionable." Decision and Order at 7. In addition to contending, as discussed *supra*, that the qualifying pulmonary function study results upon which the doctors relied were valid results, claimant argues that the administrative law judge erred in failing to credit the opinions of Drs. Raymond Kraynak and Matthew Kraynak as well-reasoned and documented in light of all of the underlying support the two doctors provided for their opinions. While, contrary to claimant's suggestion, an administrative law judge may discount a doctor's opinion that a miner is totally disabled where the doctor bases his opinion upon unreliable pulmonary function study results, *see generally Hutchins v. Director, OWCP*, 8 BLR 1-16 (1985), we vacate the administrative law judge's decision to discount the opinions of Drs. Raymond Kraynak and Matthew Kraynak on this basis in the instant case inasmuch as we have vacated the administrative law judge's finding that the January 7, 1997 pulmonary function study was invalid, and that the April 27, 1999 qualifying, at-rest arterial blood gas study values were outweighed by the non-qualifying values of record. Drs. Raymond Kraynak and Matthew Kraynak based their opinions, in part, upon their review of this evidence. Director's Exhibits 27, 36; Claimant's Exhibits 3, 4, 11. On remand, the administrative law judge should consider the entirety of the doctors' opinions in determining whether the opinions are well-reasoned and documented. *See Clark, supra; Tackett, supra*.

After reconsidering the evidence on remand separately under Section 718.204(b)(2)(i), (ii) and (iv) pursuant to the discussion *supra*, the administrative law judge must then weigh all of the relevant evidence, like and unlike, pursuant to Section 718.204(b). 20 C.F.R. §718.204(b)(i)-(iv); *see* 20 C.F.R. §718.204(c)(1)-(4) (2000); *Shedlock v. Bethlehem Mines*

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be subjected to an exercise test to determine whether there is a slight rise in their oxygen tension during exercise." *Jim Walters Resources, Inc. v. Allen*, 995 F.2d 1027, 1029 n.2, 18 BLR 2-237, 2-241 n.2 (11th Cir. 1993).

Corp., 9 BLR 1-195 (1986). If the administrative law judge determines on remand that the evidence is sufficient to establish total disability under Section 718.204(b), he must then determine whether the evidence is sufficient to establish that pneumoconiosis is a substantially contributing cause of claimant's total disability pursuant to 20 C.F.R. §718.204(c). *See Bonessa v. United States Steel Corp.*, 884 F.2d 726, 13 BLR 2-23 (3d Cir. 1989).

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

SO ORDERED.

ROY P. SMITH
Administrative Appeals Judge

NANCY S. DOLDER
Administrative Appeals Judge

MALCOLM D. NELSON, Acting
Administrative Appeals Judge