BRB Nos. 01-0509
and 02-0313/S

RODNEY SHOEMAKER	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	
	)	
NATIONAL MAINTENANCE AND REPAIR	)	DATE ISSUED: Dec. 19, 2002
	)	
and	)	
	)	
FRANK GATES ACCLAIM FOR SIGNAL MUTUAL	)	
	)	
Employer/Carrier-Petitioners	)	DECISION and ORDER

Appeals of the Decision and Order awarding benefits, the Order granting employer's motion for reconsideration, the Order dated August 20, 2001, the Decision and Order denying employer's motion for modification, and the Amended Supplemental Decision and Order Award of Attorney's Fee of Robert L. Hillyard, Administrative Law Judge, United States Department of Labor.

Thomas O. Falb (Williamson, Webster, Groshong and Falb), Alton, Illinois, for claimant.

Gregory P. Sujack (Garofalo, Schreiber, Hart & Storm, Chartered), Chicago, Illinois, for employer/carrier.

Before: SMITH, HALL and GABAUER, Administrative Appeals Judges.

PER CURIAM:

Employer appeals the December 20, 2000 Decision and Order, the January 26, 2001 Order, the August 20, 2001 Order, the December 12, 2001 Decision and Order, and the Amended Supplemental Decision and Order Award of Attorney's Fee

(1999-LHC-2624) of Administrative Law Judge Robert L. Hillyard rendered on a claim filed pursuant to the provisions of the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C. §901 *et seq.* (the Act). We must affirm the findings of fact and conclusions of law of the administrative law judge which are rational, supported by substantial evidence and in accordance with law. *O'Keeffe v. Smith, Hinchman & Grylls Associates, Inc.*, 380 U.S. 359 (1965); 33 U.S.C. §921(b)(3).

Claimant, a laborer and welder, allegedly twisted his right knee while climbing a ladder during the course of his employment with employer on September 18, 1998. Claimant, who had previously injured his right anterior cruciate ligament (ACL) while working for another employer and who had undergone two knee surgeries on his right ACL in 1997, underwent additional right ACL surgeries in December 1999 and March 2001. Claimant has not returned to gainful employment since the date of his alleged accident.

In his initial Decision and Order, the administrative law judge found that claimant gave timely notice of his alleged work-related injury to employer. Next, the administrative law judge determined that claimant established his *prima facie* case by proving that he suffered some harm or pain and that an accident occurred which could have caused, aggravated, or accelerated his condition. Thus, the administrative law judge found that claimant invoked the presumption contained in 33 U.S.C. §920(a), and that employer did not produce evidence sufficient to rebut that presumption. Accordingly, the administrative law judge determined that claimant established that his knee condition is causally related to his employment with employer. The administrative law judge then found that claimant's condition is temporary in nature, that claimant is incapable of resuming his usual employment duties with employer, and that employer submitted no evidence regarding the availability of suitable alternate employment. Lastly, the administrative law judge determined that claimant's average weekly wage for compensation purposes was $493.64, and that claimant is entitled to reimbursement for ongoing reasonable and necessary medical expenses associated with his knee condition. The administrative law judge therefore awarded claimant temporary total disability compensation from September 18, 1998, and continuing as well as medical benefits. 33 U.S.C. §§908(b), 907. In an Order dated January 26, 2001, the administrative law judge granted employer's motion for reconsideration and amended his decision to reflect that either party may subsequently file a request for modification pursuant to Section 22 of the Act, 33 U.S.C. §922.

Employer appealed the administrative law judge's Decision and Order, as well as his Order granting reconsideration, to the Board. BRB No. 01-0509. As a result

of the employer's subsequently filed motion for modification with the administrative law judge, the Board on June 28, 2001, dismissed employer's appeal and remanded the case to the Office of Administrative Law Judges for consideration of employer's pending motion.

In an Order dated August 20, 2001, the administrative law judge determined that employer's evidence that claimant in 1992 had entered a guilty plea for the felony crime of robbery did not alter his determination with respect to the weight to be given to claimant's testimony. The administrative law judge therefore concluded that this evidence provided inadequate grounds for modification of his prior decision. The administrative law judge did, however, leave the record open for thirty days in order to allow the parties to supplement the record with medical evidence regarding whether there had been a change in claimant's physical condition.

In a Decision and Order dated December 12, 2001, the administrative law judge found that claimant has not yet reached maximum medical improvement and that he continues to be totally disabled. Accordingly, the administrative law judge denied employer's motion for modification. Concurrent with this decision, the administrative law judge issued an Amended Supplemental Decision and Order wherein he ordered employer to reimburse claimant's counsel $605.80 for the expenses incurred in obtaining various medical reports pertaining to claimant's ongoing right knee condition.

Employer, on December 19, 2001, appealed the administrative law judge's Decision and Order denying its motion for modification and the administrative law judge's Amended Supplemental Decision and Order. BRB Nos. 02-0313/S. In an Order dated January 29, 2002, the Board reinstated, at employer's request, its prior appeal of the administrative law judge's original Decision and Order and Order granting employer's motion for reconsideration, BRB No. 01-0509, and consolidated these appeals for purposes of decision. In its multiple appeals, employer challenges the administrative law judge's award of disability benefits to claimant, as well as the administrative law judge's award of costs. Claimant responds, urging affirmance of the administrative law judge's decisions in their entirety.

Section 12

Employer initially contends that the administrative law judge erred in concluding that claimant gave it timely notice of his alleged injury. Pursuant to Section 12(a) of the Act, 33 U.S.C. §912, an employee in a traumatic injury case is required to notify his employer of his work-related injury within 30 days of his injury or the time when the employee is aware, or in the exercise of reasonable diligence or by reason of medical advice should have been aware, of the relationship between the injury and the employment. *See* 33 U.S.C. §912(a); *Thompson v. Lockheed Shipbuilding & Constr. Co.,* 21 BRBS 94 (1988). In the absence of evidence to the contrary, Section 20(b) of the Act, 33 U.S.C. §920(b), presumes that the notice of injury to employer was timely. *See Steed v. Container Stevedoring Co.,* 25 BRBS 210 (1991). Moreover, claimant's failure to give employer timely notice of his injury pursuant to Section 12 of the Act is excused, *inter alia,* if employer had knowledge of the injury or employer was not prejudiced by the failure to give proper notice. *See* 33 U.S.C. §912(d)(1), (2); *Bustillo v. Southwest Marine, Inc.*, 33 BRBS 15 (1999).

In the instant case, the only evidence of record regarding this issue consists of claimant's testimony regarding his multiple conversations with employer's office personnel subsequent to September 18, 1998. The administrative law judge, after setting forth at length claimant's testimony, determined that claimant was a credible witness. The administrative law judge further found that, although claimant did not immediately describe a specific work-related incident to employer post-September 18, 1998, claimant, on several occasions beginning September 21, 1998, informed employer of his 1997 knee surgery and that after working for employer on September 18, 1998, his knee began to trouble him to the extent that he was unable to perform his employment duties with employer. See Tr. at 71-88. The administrative law judge concluded that these conversations, the accuracy of which is not challenged by employer, were sufficient to put employer on notice that a claim for compensation was possible and that the matter should be investigated. December 20, 2000 Decision and Order at 18-19. In this regard, employer on appeal concedes that claimant's information allowed it to conduct further investigations, and that in fact it did so on a number of occasions. Employer's April 9, 2001 brief at 8. We hold that the administrative law judge rationally concluded, based upon claimant's testimony regarding his communications with employer, that employer had knowledge of a potential work-incident within the 30 day period prescribed by Section 12. 33 U.S.C. §912(d)(1). *See Matthews v. Jeffboat, Inc.,* 18 BRBS 185 (1986). Accordingly, we reject employer's contention that the instant

claim is barred by Section 12 of the Act.

Causation

Employer next avers that the administrative law judge erred in finding that it failed to produce evidence sufficient to sever the presumed causal link between claimant's knee condition and his employment with employer. Once, as in this case, the Section 20(a) presumption is invoked, the burden shifts to employer to rebut it with substantial evidence that claimant's condition was not caused or aggravated by his employment. *See American Grain Trimmers v. Director, OWCP [Janich],* 181 F.3d 810, 33 BRBS 71(CRT)(7th Cir. 1999)(*en banc*), *cert. denied,* 120 S.Ct. 1239 (2000); *Port Cooper/T. Smith Stevedoring Co. v. Hunter*, 227 F.3d 285, 34 BRBS 96(CRT)(5th Cir. 2000); S*winton v. J. Frank Kelley*, *Inc.,* 554 F.2d 1075, 4 BRBS 466 (D.C. Cir.), *cert. denied*, 429 U.S. 820 (1976); *Devine v. Atlantic Container Lines, G.I.E.*, 23 BRBS 279 (1988). Where aggravation of a pre-existing condition is at issue, employer must establish that work events neither directly caused the injury nor aggravated the pre-existing condition resulting in injury. *See, e.g., Cairns v. Matson Terminals,* 21 BRBS 252 (1988). An opinion given to a reasonable degree of medical certainty that the employee's injury is not work-related is sufficient to rebut the Section 20(a) presumption. *See O'Kelley v. Dep't of the Army/NAF*, 34 BRBS 39 (2000). If the administrative law judge finds that the Section 20(a) presumption is rebutted, he must weigh all of the evidence in the record and resolve the causation issue based on the record as a whole. *See Universal Maritime Corp. v. Moore,* 126 F.3d 256, 31 BRBS 119(CRT)(4th Cir. 1997); *see also Director, OWCP v. Greenwich Collieries,* 512 U.S. 267, 28 BRBS 43(CRT)(1994).

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[1] As we have affirmed the administrative law judge's determination that employer had timely knowledge of claimant's September 18, 1998, work-incident, we need not address employer's argument that it was prejudiced by claimant's actions. *See* 33 U.S.C. §912(d)(2).

[2] The instant case does not involve a second accident or event occurring subsequent to the work injury which gave rise to claimant's claim under the Act. Thus, as the issue in this case is whether claimant's present knee condition is causally related to his employment with employer, the intervening cause cases cited by employer are inapposite.

[3] Employer does not challenge the administrative law judge's determination that claimant is entitled to invocation of the Section 20(a) presumption. *See* Employer's April 9, 2001 brief at 11. We therefore affirm this finding.

We affirm the administrative law judge's finding that employer failed to rebut the Section 20(a) presumption linking claimant's present knee condition to his employment with employer, as he rationally found that the opinion of Dr. McMullin, upon whom employer relies in support of its contention of error, to be insufficient to rebut the presumption. In addressing claimant's knee condition, Dr. McMullin opined that claimant's prior ACL surgeries in 1997 were not fully successful and that claimant's right knee may have failed in the future. However, based upon claimant's ability to work and carry out his employment duties following those surgeries, Dr. McMullin concluded that claimant's employment with employer constituted a precipitating event which caused his knee to completely fail and cause the symptoms which occurred thereafter. *See* Clt. Ex. 1 at 17-28, 30, 33, 40. Although, as employer states in its brief, Dr. McMullin agreed that running represented a type of stress that could have caused claimant's prior knee reconstruction to fail, employer's counsel acknowledged claimant's history to Dr. Fagan that he had not been able to run since his prior surgeries. *See id.* at 38. Moreover, although Dr. McMullin conceded that his opinion might change if claimant's history changed, that physician concluded that he would base his opinion upon the history that he received by claimant, which in this case involved the onset of symptoms following the performance of his duties with employer. *See id.* at 39. Accordingly, as the opinion of Dr. McMullin supports the conclusion that claimant's employment duties with employer were a precipitating cause of the onset of his present knee condition, it cannot rebut Section 20(a). As the presumption has not been rebutted, we affirm the administrative law judge's finding that claimant's knee condition is causally related to his employment with employer. *See Clophus v. Amoco Production Co.,* 21 BRBS 261 (1988).

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[4] The aggravation rule provides that where an injury at work aggravates, accelerates or combines with a prior condition, the entire resultant disability is compensable. *See Wheatley v. Adler*, 407 F.2d 307 (D.C. Cir. 1968)(*en banc*); *Independent Stevedore Co. v. O'Leary*, 357 F.2d 812 (9th Cir. 1966); *Kubin v. Pro-Football, Inc.*, 29 BRBS 117 (1995). This rule applies not only where the underlying condition itself is affected but also where the injury "aggravates the symptoms of the process." *Pittman v. Jeffboat, Inc.,* 18 BRBS 212 (1986).

Exclusion of Evidence

Employer contends that the administrative law judge erred in refusing to admit certain medical evidence into the record, specifically the medical report of Dr. Tonino. We reject employer's argument. On March 17, 2000, employer filed a motion with the administrative law judge seeking to hold the record open post-hearing for the submission of additional medical evidence. Specifically, employer stated in its motion that its first choice of a physician for reviewing claimant's medical records could not perform that task in a timely manner, and that its second selection, Dr. Tonino, would be unlikely to perform his review prior to the formal hearing. At the formal hearing held on March 23, 2000, employer's counsel conceded that his request to hold the record open was apparently in opposition to the administrative law judge's pre-hearing order, and that approval of his motion was strictly at the court's leave. Tr. at 195-196. Claimant objected to employer's motion, arguing that employer had approximately six months in which to acquire a physician's review of the medical evidence of record and that employer instead waited until immediately prior to the hearing before attempting to do so. *Id.* at 195-197. The administrative law judge sustained claimant's objection and thus denied employer's motion to hold the record open post-hearing. *Id.* at 211-212. On July 20, 2000, employer filed a Renewed Motion for Leave to Submit Post-Hearing Evidence, attaching to that request a medical report from Dr. Tonino dated March 24, 2000. Employer's motion was denied by the administrative law judge in an Order dated August 3, 2000.

The admission or exclusion of evidence is discretionary. Thus, the Board may overturn such determinations only if they are arbitrary, capricious, or an abuse of discretion. *See Hansen v. Container Stevedoring Co.,* 31 BRBS 155 (1997); *Raimer v. Willamette Iron & Steel Co.,* 21 BRBS 98 (1988). Moreover, a party seeking to admit evidence must exercise due diligence in developing its claim prior to the hearing. *See Smith v. Ingalls Shipbuilding, Div., Litton Systems Inc.,* 22 BRBS 46 (1989). In this case, the administrative law judge rationally excluded the exhibit sought to be admitted into evidence by employer, as it did not comply with his pre-hearing Order. *See Durham v. Embassy Dairy,* 19 BRBS 105 (1986). Employer's counsel was unable to provide the administrative law judge with a chronology indicating an attempt to develop its case in a timely manner. Similarly, on appeal, employer has not set forth evidence indicating it exercised due diligence in acquiring its evidence. Accordingly, as employer has failed to establish that the administrative

[5] A review of the transcript reveals that employer's counsel was unable to determine the date on which claimant's medical records were sent to the initial reviewing physician. *See* Tr. at 198-199.

law judge's decision not to re-open the record for the report of Dr. Tonino is arbitrary, capricious, or an abuse of discretion, it is affirmed. *See Williams v. Marine Terminals Corp.,* 14 BRBS 728 (1981).

Continuing Award

Employer next challenges the administrative law judge's award of continuing temporary total disability benefits to claimant. Specifically, employer avers that in its motion for reconsideration of the administrative law judge's initial decision it indicated that claimant had been found to have reached maximum medical improvement as of October 2000, and that claimant's temporary total disability benefits should have been terminated as of that time. In his initial decision, the administrative law judge awarded claimant temporary total disability benefits from September 18, 1998, and continuing. On reconsideration, the administrative law judge rejected employer's argument that the award should explicitly run only to the date of maximum medical improvement, but amended his decision to reflect that any party in the case may file for modification.

We reject employer's argument that the administrative law judge's award must be reversed. The Act provides that disability awards continue for the duration of the disability. 33 U.S.C. §908(b). *See Admiralty Coatings Corp. v. Emery,* 228 F.3d 513, 34 BRBS 91(CRT)(4th Cir. 2000); *Hoodye v. Empire/United Stevedores*, 23 BRBS 341 (1990). Should a party believe that there is a change in conditions or there was a mistake in fact, that party can request a modification of the award under Section 22 of the Act, 33 U.S.C. §922. *See Turk v. Eastern Shore Railroad Inc.,* 34

[6] Contrary to employer's assertion, the fact that the administrative law judge in a post-hearing Order dated July 18, 2000, re-opened the record for the limited purpose of allowing employer the opportunity to inquire into a 1997 examination of claimant by Dr. Brotherton does not compel a different result. Review of the administrative law judge's Order does not support employer's allegation that the administrative law judge's allowing the possibility of admitting Dr. Brotherton's records into evidence post-injury indicates disparate treatment of the parties. In fact, claimant did not seek admission of these records, but rather, the administrative law judge's Order was issued at the request of employer. Thereafter, in a letter dated September 15, 2000, employer informed the administrative law judge that it would not be asking that official for any relief or admission of post-hearing evidence regarding Dr. Brotherton's records. Thus, employer's statement on appeal that the administrative law judge's acceptance of Dr. Brotherton's records after the close of the record, while Dr. Tonino's report was excluded, indicates disparate treatment of the parties is not supported by the record.

BRBS 27 (2000). Contrary to the statements made by employer on appeal, employer's motion for reconsideration made no reference to claimant's having reached maximum medical improvement in October 2000. Rather, that motion sought to end claimant's temporary total disability compensation at the time claimant reached maximum medical improvement in the future. *See* Employer's Emergency Motion for Reconsideration dated January 5, 2001. As the record contains evidence of a continuing disability, substantial evidence supports the administrative law judge's award of continuing temporary total disability benefits to claimant. Accordingly, we affirm the administrative law judge's initial decision awarding ongoing temporary total disability benefits to claimant.

Evidence of a Prior Conviction

Employer next alleges that the administrative law judge erred in disregarding its evidence that claimant had been previously been convicted of robbery. Specifically, employer asserts that 29 C.F.R. §18.609(a) controls the outcome of its assertion of error. Employer further asserts that as a reasonable person would find a criminal conviction probative in assessing the credibility of a witness, the Board should reverse the administrative law judge's finding and remand the case for further consideration. We disagree. Section 18.609(a) of the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges states that the credibility of a witness may be attacked by the admission of evidence that the witness has been convicted of a crime punishable by death or imprisonment in excess of one year under the law under which the witness was convicted, or that involved dishonesty or false statement, regardless of the punishment. However, Section 23(a) of the Act, 33 U.S.C. §923(a), states that the administrative law judge is not bound by formal rules of evidence or procedure except as provided by the Act. *See Twigg v. Maryland Shipbuilding & Dry Dock Co.,* 23 BRBS 118 (1989).

In this case, on modification employer submitted to the administrative law judge evidence that claimant pled guilty to the crime of robbery in 1992. In an Order dated August 20, 2001, the administrative law judge considered this evidence, determined that the crime for which claimant was convicted did not involve deceit or trickery, and concluded that employer's new evidence did not alter his determinations with respect to the weight to be given to claimant's testimony. *See*

[7] Contrary to employer's argument, the alleged difficulty of obtaining formal hearings in the Midwest does not result in an unnecessary and punitive burden on employer such that a different result must be arrived at on this issue. In fact, as discussed, *infra,* employer was able to timely seek modification.

August 20, 2001 Order at 2-3. Thus, the administrative law judge performed the review sought by employer on appeal; specifically, he considered the evidence of claimant's prior conviction for robbery in 1992 and determined that this conviction would not alter the weight that he gave to claimant's testimony. We therefore reject employer's argument that the case must be remanded for the administrative law judge to consider this evidence.

Maximum Medical Improvement

Employer additionally contends that the administrative law judge on modification erred in failing to find that claimant reached maximum medical improvement. Claimant is entitled to temporary disability benefits until he reaches maximum medical improvement, the date of which is determined by medical evidence. *See generally Ballesteros v. Willamette W. Corp.,* 20 BRBS 184 (1988). A claimant has reached maximum medical improvement when he is no longer undergoing treatment with a view toward improving his condition. *See Louisiana Ins. Guaranty Ass'n v. Abbott*, 40 F.3d 122, 29 BRBS 22(CRT)(5th Cir. 1994). In concluding that claimant has not yet reached maximum medical improvement, the administrative law judge relied upon the opinion of Dr. McMullin, claimant's treating physician who also performed claimant's knee surgery. Specifically, the administrative law judge found Dr. McMullin's opinion that claimant will benefit from a series of Synvisc injections to be documented, reasoned, and supported by the medical evidence.

Dr. McMullin opined on October 11, 2000, that claimant had reached maximum medical improvement. However, on February 26, 2001, Dr. McMullin examined claimant and concluded, based upon claimant's complaints of knee instability, that he should look at claimant's knee with a scope and possibly shrink claimant's ACL graft with an ORATEC. Claimant subsequently underwent arthroscopic knee surgery in March 2001. On June 19, 2001, Dr. McMullin altered his opinion as to the nature of claimant's knee condition when he opined that claimant had not in fact reached maximum medical improvement. On August 17, 2001, Dr. McMullin examined claimant and found that claimant continued to experience pain post-surgery. He recommended that claimant undergo Synvisc injections. In contrast to Dr. McMullin, Dr. Nogalski opined in August 2001 that claimant's condition had plateaued. As the administrative law judge's decision to rely upon the opinion of Dr. McMullin is rational, and as that opinion constitutes substantial evidence that claimant continued to undergo treatment with a view to improving the condition of his right knee and thus has not yet reached maximum medical improvement, we affirm the administrative law judge's finding on this issue. *See generally Leone v. Sealand Terminals Corp.,* 19 BRBS 100 (1986).

Section 28(d)

Claimant initially submitted an attorney's fee petition to the administrative law judge requesting a fee of $21,629.05, representing 111.45 hours of services rendered at a rate of $175 per hour, and $2,125.30 in costs. In an Order dated June 5, 2001, the administrative law judge awarded claimant's counsel a fee of $13,886.25, and $1,251.30 in costs. Thereafter, claimant filed a motion for reconsideration of the administrative law judge's Order. In support of his motion, claimant submitted to the administrative law judge a revised list of expenses totaling $715.80, representing the cost of various medical reports acquired in support of claimant's defense that he is entitled to ongoing benefits under the Act. In an Order dated December 12, 2001, the administrative law judge awarded claimant $605.80 in reimbursement for ten medical reports at a rate of $55 per report, two reports billed at $34.60, and one report billed at $21.20. Employer contends that the administrative law judge erred in awarding claimant reimbursement for the medical reports prepared by Dr. McMullin. Specifically, employer avers that since the Act and its implementing regulations mandate that a treating physician provide periodic reports regarding the care being rendered to a claimant, and the reports sought to be reimbursed for in this case were recitations of the physician's notes from his records of claimant's office visits, any expense related to the preparation of such a report is unconscionable and should be denied. Employer's contentions on this issue are rejected.

In support of its position on appeal, employer cites Section 7(b) of the Act, 33 U.S.C. §907(b), and Section 702.407 of the Act's implementing regulations, 20 C.F.R. §702.407, which address the authority of the Secretary of Labor to oversee an injured employee's medical care. *See Anderson v. Todd Shipyards, Inc.*, 22 BRBS 20 (1989). These sections provide, in part, that the Secretary shall require periodic reports regarding the medical care being furnished to an injured employee. They do not, however, require a physician to supply medical reports to any counsel *gratis*. Rather, Section 28(d) of the Act, 33 U.S.C. §928(d), provides, *inter alia*, that the costs and fees for necessary witnesses can be assessed against employer when

[8] Employer has not appealed this Order awarding fees and costs.

an attorney's fee is awarded against employer, but only if they are reasonable and necessary. *See generally Ezell v. Direct Labor, Inc.,* 33 BRBS 19 (1999). In this regard, costs may be awarded for a physician's report submitted into evidence in support of claimant's case where benefits are awarded. *See Luter v. Newport News Shipbuilding & Dry Dock Co.,* 19 BRBS 103 (1986). The test for compensability concerns whether the attorney, at the time that the work was performed, could reasonably regard it as necessary. *See O'Kelley,* 34 BRBS 39. In this case, the administrative law judge considered the fourteen medical reports submitted for reimbursement by claimant, declined to hold employer liable for two of the requested charges, and approved the remaining twelve charges, as he found those reports to be reasonable and necessary. As the administrative law judge fully addressed this issue, and his decision to hold employer liable for these documented costs is rational and in accordance with law, we affirm the award to claimant of $605.80 in expenses for the preparation of twelve medical reports.

Accordingly, the administrative law judge's December 20, 2000 Decision and Order, January 26, 2001 Order, August 20, 2001 Order, December 12, 2001 Decision and Order, and Amended Supplemental Decision and Order Award of Attorney's Fee are affirmed.

SO ORDERED.

ROY P. SMITH
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge

PETER A. GABAUER
Administrative Appeals Judge