

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Felton v. Director, Office of Workers' Compensation Programs

339 F. App'x 187 (3d Cir. 2009) · Decided July 23, 2009

SUMMARY

The Third Circuit reviewed the Benefits Review Board's affirmance of an administrative law judge's denial of Robert Felton's claim for benefits under the Black Lung Benefits Act. The court held that substantial evidence supported the finding that Felton had not established clinical or legal pneumoconiosis, including reliance on negative chest X-rays and the medical opinions presented. The court denied the petition for review and affirmed the Board's order.

CASE DETAILS

COURT	United States Court of Appeals for the Third Circuit
WRITING FOR THE COURT	Per curiam; Hardiman; McKee; Roth
JURISDICTION	Federal
DECIDED	July 23, 2009
DISPOSITION	affirmed
PROCEDURAL POSTURE	Felton petitioned the Third Circuit for review of the Benefits Review Board's order affirming an administrative law judge's denial of benefits under the Black Lung Benefits Act.
STANDARD OF REVIEW	The court reviewed the BRB's decision for legal error and compliance with its statutory scope of review, independently reviewed the record, and determined whether the ALJ's factual findings were supported by substantial evidence. Substantial evidence is more than a scintilla and is evidence that a reasonable mind might accept as adequate to support a conclusion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Robert Felton v. Director, Office of Workers' Compensation Programs

TOPICS

judicial review of agency action

administrative law

standard of review

minerals

appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Benefits Review Board properly upheld the ALJ's finding that Felton failed to establish the existence of clinical or legal pneumoconiosis.
2. Whether the ALJ properly evaluated and weighed the medical evidence, including the equivocal opinion of Dr. Kahn and the credentials of Dr. Fino.
3. Whether the court should review the ALJ's alternative finding that Felton failed to establish total respiratory disability.

HOLDINGS

1. The Benefits Review Board properly upheld the ALJ's finding that Felton failed to establish clinical or legal pneumoconiosis, and that finding was supported by substantial evidence.
2. The court declined to review the ALJ's alternative finding that Felton failed to establish total respiratory disability because the issue was not properly before the court after the claim failed for lack of proof of pneumoconiosis.

KEY QUOTATIONS

“Substantial evidence is “more than a mere scintilla,” and is “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”” (189)

FACTUAL BACKGROUND

Robert Felton worked underground as a coal miner for eighteen years and retired in 1993. He filed a claim alleging pneumoconiosis and total disability. Three chest X-rays were negative for clinical pneumoconiosis, and the medical opinions either diagnosed no pneumoconiosis or described only mild airway disease with equivocal causation evidence.

PROCEDURAL HISTORY

Felton filed a claim for black-lung benefits in 2002. After a formal hearing, the ALJ found that he had not established clinical or legal pneumoconiosis and alternatively had not established total respiratory disability. The Benefits Review Board affirmed based on the absence of pneumoconiosis and did not reach the alternative disability issue. The Third Circuit denied the petition for review and affirmed the BRB's order.

DISPOSITION

affirmed

CASES CITED

- *Labelle Processing Co. v. Swarrow*, 72 F.3d 308, 312 (3d Cir. 1995)
- *Lombardy v. Director, OWCP*, 355 F.3d 211, 213 (3d Cir. 2004)

- Kowalchick v. Director, OWCP, 893 F.2d 615, 619 (3d Cir. 1990)
- Soubik v. Director, OWCP, 366 F.3d 226, 234 n.12 (3d Cir. 2004)
- Balsavage v. Director, OWCP, 295 F.3d 390, 396-97 (3d Cir. 2002)
- Bonessa v. U.S. Steel Corp., 884 F.2d 726, 729 (3d Cir. 1989)
- Grigg v. Director, OWCP, 28 F.3d 416, 418 (4th Cir. 1994)

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