

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Mabel Samons v. Nat'l Mines Corp.

No. No. 20-3209, United States Court of Appeals for the Sixth Circuit (February 11, 2022)

SUMMARY

The Sixth Circuit held that the Benefits Review Board properly applied the law-of-the-case doctrine to refuse reconsideration of an earlier forfeiture ruling on pulmonary-function test evidence, and that the administrative law judge’s credibility determinations regarding conflicting medical opinions on total disability were supported by substantial evidence. The court also found that the administrative record, though disorganized, was sufficient for judicial review. The case addresses key topics under the Black Lung Benefits Act, including forfeiture of issues in agency appeals, the discretionary application of law of the case, and the deferential substantial-evidence standard for factual findings.

CASE DETAILS

COURT	United States Court of Appeals for the Sixth Circuit
WRITING FOR THE COURT	Murphy; McKeague; Nalbandian
JURISDICTION	Federal
DECIDED	February 11, 2022
DOCKET	No. 20-3209
DISPOSITION	affirmed
PROCEDURAL POSTURE	On Petition for Review from the Benefits Review Board; Nos. 18-0366 BLA; 18-0523 BLA.
STANDARD OF REVIEW	Substantial evidence for factual findings; de novo for legal conclusions; abuse of discretion for law-of-the-case (not decided).
PRECEDENTIAL VALUE	Published
PARTIES	Mabel Samons v. National Mines Corporation; Old Republic Insurance Company; Director, Office of Workers' Compensation Programs, United States Department of Labor

TOPICS

- workers compensation
- administrative law
- appellate procedure
- standard of review
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Benefits Review Board erred in applying the law-of-the-case doctrine to refuse reconsideration of the pulmonary function test issue.
2. Whether substantial evidence supported the administrative law judge's credibility findings regarding the medical opinions on total disability.
3. Whether the incomplete and disorganized administrative record warrants reversal or remand.

HOLDINGS

1. The Board properly applied law of the case to its prior forfeiture ruling that Samons had not challenged the ALJ's rejection of the pulmonary function tests.
2. Substantial evidence supported the ALJ's decision to credit the opinions of Drs. Dahhan and Fino over those of Drs. Jurich, Baker, and Simpao regarding total disability.
3. The incomplete and disorganized record did not prevent effective judicial review, and no relief is warranted.

KEY QUOTATIONS

"The Black Lung Benefits Act allows coal miners (and some of their surviving relatives after their death) to seek benefits if they develop this disease." (at 2)

"To obtain benefits under these regulations, miners must prove four things: they have pneumoconiosis; this disease resulted from their coal-mine work; they are totally disabled; and the disease contributes to their total disability." (at 2-3)

"Regulations treat a miner as 'totally disabled' if the miner 'has a pulmonary or respiratory impairment which, standing alone, prevents or prevented' the miner both '[f]rom performing his or her usual coal mine work' and '[f]rom engaging' in other 'gainful employment' near the miner's home that requires similar skills and abilities." (at 3)

"The doctrine known as 'law of the case' encapsulates a simple idea: courts generally decline to redecide issues that they have already decided." (at 8)

"Law of the case thus promotes judicial efficiency by prohibiting parties from indefinitely relitigating the same issue that a court resolved in an earlier part of the case." (at 9)

"The Board's forfeiture conclusion counted as a holding. The Board did not make a mere passing comment about the tests." (at 10)

"A judge's factual finding is rooted in substantial evidence so long as a reasonable person might consider the evidence adequate to accept the fact." (at 15)

"As we have repeatedly said, 'a doctor's opinion advising a miner to avoid dust exposure does not constitute substantial evidence of total disability.'" (at 17)

FACTUAL BACKGROUND

Casey Samons worked underground in coal mines for over 30 years and developed pneumoconiosis (black lung disease). He filed a claim for benefits in 2003 and died in 2005. His widow, Mabel Samons, pursued his claim and filed her own survivor's claim. The case centered on whether Casey was totally disabled due to pneumoconiosis. Evidence included pulmonary function tests and medical opinions from five doctors. The administrative law judge made multiple findings over four rounds of proceedings, ultimately concluding that Samons failed to prove total disability.

PROCEDURAL HISTORY

The case involved four rounds of administrative proceedings before an administrative law judge and the Benefits Review Board. In Round One, the ALJ denied benefits; the Board affirmed in part, vacated in part, and remanded. In Round Two, the ALJ awarded benefits; the Board vacated and remanded. In Round Three, the ALJ again denied benefits; the Board remanded. In Round Four, the ALJ again denied benefits; the Board affirmed. Samons then petitioned for review in the Sixth Circuit.

DISPOSITION

affirmed

CASES CITED

- U.S. Dep't of Lab. v. Triplett, 494 U.S. 715 (1990)
- Island Creek Coal Co. v. Bryan, 937 F.3d 738 (6th Cir. 2019)
- Shortridge v. Beatrice Pocahontas Coal Co., 4 Black Lung Rep. (MB) 1-534 (Ben. Rev. Bd. 1982)
- U.S. Steel Mining Co. v. Dir., OWCP, 386 F.3d 977 (11th Cir. 2004)
- Walker v. Dir., Off. of Workers' Comp. Programs, 927 F.2d 181 (4th Cir. 1991)
- Peabody Coal Co. v. Hill, 123 F.3d 412 (6th Cir. 1997)
- Consolidation Coal Co. v. Maynes, 739 F.3d 323 (6th Cir. 2014)
- Messenger v. Anderson, 225 U.S. 436 (1912)
- Christianson v. Colt Indus. Operating Corp., 486 U.S. 800 (1988)
- Pepper v. United States, 562 U.S. 476 (2011)
- Agostini v. Felton, 521 U.S. 203 (1997)
- Med. Ctr. at Elizabeth Place, LLC v. Atrium Health Sys., 922 F.3d 713 (6th Cir. 2019)
- Bridger Coal Co. v. Dir., Off. of Workers' Comp. Programs, 669 F.3d 1183 (10th Cir. 2012)
- Biltmore Forest Broad. FM, Inc. v. FCC, 321 F.3d 155 (D.C. Cir. 2003)
- Gibas v. Saginaw Mining Co., 748 F.2d 1112 (6th Cir. 1984)
- Arangure v. Whitaker, 911 F.3d 333 (6th Cir. 2018)
- Dixon v. John J. McMullen & Assocs., Inc., 19 Ben. Rev. Bd. Serv. (MB) 243 (1986)
- Williams v. Healy-Ball-Greenfield, 22 Ben. Rev. Bd. Serv. (MB) 234 (1989)
- McNeil v. Prolerized New England Co., 11 Ben. Rev. Bd. Serv. (MB) 576 (1979)

- Rouse v. DaimlerChrysler Corp., 300 F.3d 711 (6th Cir. 2002)
- Star Fire Coals, Inc. v. Dir., Off. of Workers' Comp. Programs, 792 F. App'x 372 (6th Cir. 2019)
- Promega Corp. v. Life Techs. Corp., 875 F.3d 651 (Fed. Cir. 2017)
- Morris v. Am. Nat'l Can Corp., 988 F.2d 50 (8th Cir. 1993)
- Haddad v. Alexander, Zelmanski, Danner & Fioritto, PLLC, 758 F.3d 777 (6th Cir. 2014)
- Wright v. Spaulding, 939 F.3d 695 (6th Cir. 2019)
- Burley v. Gagacki, 834 F.3d 606 (6th Cir. 2016)
- Howe v. City of Akron, 801 F.3d 718 (6th Cir. 2015)
- Crocker v. Piedmont Aviation, Inc., 49 F.3d 735 (D.C. Cir. 1995)
- Church Joint Venture, L.P., ex rel. Chapter 7 Tr. v. Blasingame (In re Blasingame), 920 F.3d 384 (6th Cir. 2019)
- Dixie Fuel Co., LLC v. Dir., Off. of Workers' Comp. Programs, 820 F.3d 833 (6th Cir. 2016)
- Consolidation Coal Co. v. McMahon, 77 F.3d 898 (6th Cir. 1996)
- W. Va. Coal Workers' Pneumoconiosis Fund v. Bell, 781 F. App'x 214 (4th Cir. 2019)
- Cattin v. Gen. Motors Corp., 955 F.2d 416 (6th Cir. 1992)
- Youghiogheny & Ohio Coal Co. v. Baker, 815 F.2d 422 (6th Cir. 1987)
- Bartley v. L & M Coal Co., 901 F.2d 1311 (6th Cir. 1990)
- Carr v. Saul, 141 S. Ct. 1352 (2021)
- Fish v. Dir., Off. of Workers' Comp. Programs, 6 Black Lung Rep. (MB) 1-107 (Ben. Rev. Bd. 1983)
- Hix v. Dir., Off. of Workers' Comp. Programs, 824 F.2d 526 (6th Cir. 1987)
- Cox v. Benefits Rev. Bd., 791 F.2d 445 (6th Cir. 1986)
- Smith v. Martin County Coal Corp., 2004 WL 6044491 (Ben. Rev. Bd. Oct. 27, 2004)
- Arbaugh v. Y&H Corp., 546 U.S. 500 (2006)
- Jones Brothers, Inc. v. Secretary of Labor, 898 F.3d 669 (6th Cir. 2018)
- Killman v. Dir., Off. of Workers' Comp. Programs, 415 F.3d 716 (7th Cir. 2005)
- Cornett v. Benham Coal, Inc., 227 F.3d 569 (6th Cir. 2000)
- Greene v. King James Coal Mining, Inc., 575 F.3d 628 (6th Cir. 2009)
- Eversole v. Shamrock Coal Co., 1994 WL 376895 (6th Cir. 1994)
- Collins v. Dir., Off. of Workers' Comp. Programs, 1990 WL 164646 (6th Cir. 1990)
- Grundy Mining Co. v. Flynn, 353 F.3d 467 (6th Cir. 2003)
- Island Creek Coal Co. v. Wilkerson, 910 F.3d 254 (6th Cir. 2018)
- Karst Robbins Coal Co. v. Dir., Off. of Workers' Comp. Programs, 969 F.3d 316 (6th Cir. 2020)
- Island Creek Coal Co. v. Holdman, 202 F.3d 873 (6th Cir. 2000)
- Consolidation Coal Co. v. Borda, 171 F.3d 175 (4th Cir. 1999)