

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

McCoy Elkhorn Coal Corp. v. Dotson

714 F.3d 945 (6th Cir. 2013) · No. 12-3037 · Decided May 3, 2013

SUMMARY

The Sixth Circuit denied McCoy Elkhorn Coal Corporation's petition for rehearing concerning the commencement date for survivor benefits under the Black Lung Benefits Act. The court held that 20 C.F.R. § 725.503(c) clearly provides that survivor benefits begin in the month of the miner's death, rejecting arguments based on constitutional avoidance and due process. The court distinguished the commencement rule for miner benefits, which may begin in the month the claim is filed.

CASE DETAILS

COURT	United States Court of Appeals for the Sixth Circuit
WRITING FOR THE COURT	Siler; Sutton; McKeague
JURISDICTION	Federal
DECIDED	May 3, 2013
DOCKET	12-3037
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petition for rehearing following the court's denial of a petition for review of a Benefits Review Board decision awarding survivor's benefits under the Black Lung Benefits Act.
PRECEDENTIAL VALUE	Published opinion recommended for full-text publication
PARTIES	McCoy Elkhorn Coal Corporation, James River Coal Company v. Vernie Dotson, Director, Office of Workers' Compensation Programs

TOPICS

appellate procedure administrative law judicial review of agency action statutory interpretation
substantive due process

PRACTICE AREAS

administrative law black lung benefits constitutional law appellate procedure

QUESTIONS PRESENTED

1. Whether survivor benefits under the 2010 Black Lung Amendments should commence in the month of the miner's death under 20 C.F.R. § 725.503(c).
2. Whether applying the regulation to require benefits beginning in August 1998 would impose unconstitutional retroactive liability in violation of substantive due process.
3. Whether survivor benefits should instead commence on January 1, 2005, or the month the survivor filed the claim.

HOLDINGS

1. Under 20 C.F.R. § 725.503(c), survivor benefits are payable beginning with the month of the miner's death, unless January 1, 1974, is later; for Vernie Dotson, the commencement date was August 1998.
2. Applying the survivor-benefit commencement rule to require benefits beginning in the month of the miner's death does not violate substantive due process merely because it imposes retroactive liability on a coal operator.
3. Neither January 1, 2005, nor January 2006, the month Vernie Dotson filed her claim, was the proper commencement date for survivor benefits.

KEY QUOTATIONS

"This language was clear before Congress enacted the Black Lung Amendments, and it remains so today."
(Page 2)

"What matters is that this is not the date Congress selected." (Page 2)

FACTUAL BACKGROUND

Willie Dotson died in August 1998, and an administrative law judge determined that his wife, Vernie Dotson, was entitled to survivor's benefits. McCoy Elkhorn argued that benefits should commence on a later date because applying the regulation's August 1998 commencement date would impose retroactive liability and violate substantive due process. The court held that 20 C.F.R. § 725.503(c) required survivor benefits to begin in the month of the miner's death.

PROCEDURAL HISTORY

An administrative law judge determined that Vernie Dotson was entitled to survivor's benefits following the death of miner Willie Dotson. The Benefits Review Board entered an order concerning the award, and McCoy Elkhorn petitioned the Sixth Circuit for review. The court denied review based on *Vision Processing, LLC v. Groves*, then denied McCoy Elkhorn's petition for rehearing because the survivor-benefit commencement date was governed by 20 C.F.R. § 725.503(c).

DISPOSITION

writ_denied

CASES CITED

- Vision Processing, LLC v. Groves, 705 F.3d 551, 558 (6th Cir. 2013)
- Usery v. Turner Elkhorn Mining Co., 428 U.S. 1, 18 (1976)

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