

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Sunny Ridge Mining Company, Inc. v. Herbert Keathley

773 F.3d 734 (6th Cir. 2014) · No. 14-3010 · Decided December 4, 2014

SUMMARY

The Sixth Circuit denied Sunny Ridge Mining Company's petition for review of an award of black lung benefits to Herbert Keathley. The court held that the administrative law judge properly discounted a medical opinion that relied on a premise inconsistent with federal regulations recognizing pneumoconiosis, including legal pneumoconiosis, as latent and progressive. The court also upheld the ALJ's evaluation of pulmonary function tests and concluded that substantial evidence supported the finding of total disability.

CASE DETAILS

COURT	United States Court of Appeals for the Sixth Circuit
WRITING FOR THE COURT	Rogers, Circuit Judge; Daughtrey, Circuit Judge; Donald, Circuit Judge
JURISDICTION	Federal
DECIDED	December 4, 2014
DOCKET	14-3010
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Sunny Ridge Mining Company petitioned for review of the Benefits Review Board's order affirming an administrative law judge's award of black lung benefits to Herbert Keathley.
STANDARD OF REVIEW	The court reviewed the Benefits Review Board's decision for errors of law and the ALJ's factual findings for substantial evidence. An ALJ's weighing of medical evidence and pulmonary function tests is upheld when supported by substantial evidence.
PRECEDENTIAL VALUE	Published Sixth Circuit opinion; recommended for full-text publication and precedential.
PARTIES	Sunny Ridge Mining Company, Inc. v. Herbert Keathley, Director, Office of Workers' Compensation Programs, United States Department of Labor

TOPICS

mining law

judicial review of agency action

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standard of review

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the ALJ properly discredited Dr. Broudy's medical opinion because its sole stated reason for excluding coal-mine-dust exposure as a cause of chronic bronchitis conflicted with 20 C.F.R. § 718.201(c).
2. Whether the ALJ properly evaluated seven pulmonary function tests and could find total disability based in part on the fact that five tests indicated disability, where the ALJ also found all tests valid, contemporaneous, and equally probative.

HOLDINGS

1. An ALJ may discount a medical opinion when the sole reason given for the opinion about the cause of pneumoconiosis conflicts with the Black Lung Benefits Act or its implementing regulations. Because Dr. Broudy's sole stated reason for ruling out coal-dust exposure was that coal-dust-related chronic bronchitis usually ceases when exposure ends, the ALJ properly found the opinion inconsistent with 20 C.F.R. § 718.201(c) and insufficient to rebut the statutory presumption.
2. The ALJ properly evaluated the pulmonary function tests because he did more than merely count qualifying and nonqualifying results. He considered the tests' regulatory compliance, validity, temporal proximity, and relative probative value, and could use the numerical preponderance of qualifying tests after conducting that qualitative analysis.

KEY QUOTATIONS

“When the sole reason given for a medical opinion about the cause of pneumoconiosis conflicts with the Black Lung Benefits Act or its implementing regulations, an ALJ may discount that opinion.” (773 F.3d at 736)

“Legal pneumoconiosis is not medical pneumoconiosis; it is a legal fiction—long recognized by courts and later codified in regulations—designed to facilitate the remedial purposes of the Black Lung Benefits Act.” (773 F.3d at 737)

“The ALJ could reasonably find that Dr. Broudy’s medical opinion about legal pneumoconiosis was based on a premise inconsistent with the Act.” (773 F.3d at 739)

FACTUAL BACKGROUND

Herbert Keathley worked in strip coal mines for sixteen-and-a-half years and later developed a totally disabling respiratory or pulmonary impairment. Five of seven pulmonary function tests indicated total disability, and all seven met Department of Labor regulatory standards without any doctor questioning their validity. Dr. Bruce Broudy attributed Keathley's impairment primarily to smoking and asthma, reasoning that coal-dust-related

chronic bronchitis usually ceases after exposure ends. The ALJ rejected that opinion as inconsistent with the regulatory definition of pneumoconiosis and awarded benefits under the Black Lung Benefits Act.

PROCEDURAL HISTORY

The administrative law judge initially denied Keathley's benefits application, finding that Dr. Bruce Broudy's medical opinion rebutted the fifteen-year presumption. The Benefits Review Board vacated and remanded, directing the ALJ to reconsider the pulmonary function tests and whether Broudy's reasoning conflicted with the implementing regulations. On remand, the ALJ awarded benefits, and the Board affirmed. Sunny Ridge petitioned the Sixth Circuit for review, which denied the petition.

DISPOSITION

writ_denied

CASES CITED

- Keathley v. Sunny Ridge, 2009 BLA 5081 (Dep't of Labor, Nov. 18, 2010)
- Keathley v. Sunny Ridge Mining Co., BRB No. 11-0205 BLA/A (Nov. 16, 2011) (unpub.)
- Keathley v. Sunny Ridge, 2009 BLA 5081 (Dep't of Labor, Jan. 17, 2013)
- Keathley v. Sunny Ridge Mining Co., BRB No. 13-0211 BLA (Nov. 13, 2013) (unpub.)
- A & E Coal Co. v. Adams, 694 F.3d 798, 802 (6th Cir. 2012)
- Cumberland River Coal Co. v. Banks, 690 F.3d 477, 487-488 (6th Cir. 2012)
- Greene v. King James Coal Mining, Inc., 575 F.3d 628, 638 (6th Cir. 2009)
- Barber v. Director, Office of Workers' Compensation Programs, 43 F.3d 899, 901 (4th Cir. 1995)
- Midland Coal Co. v. Director, Office of Workers' Compensation Programs, 358 F.3d 486, 490 (7th Cir. 2004)
- Woodward v. Director, Office of Workers' Compensation Programs, 991 F.2d 314, 320-321 (6th Cir. 1993)

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