

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 13a0932n.06

No. 13-3032

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

FILED
Oct 30, 2013
DEBORAH S. HUNT, Clerk

ROBERT COAL CO. and OLD)
REPUBLIC INSURANCE CO.,)
)
Petitioners,)
)
v.)
)
DIRECTOR, OFFICE OF WORKERS')
COMPENSATION PROGRAMS,)
U.S. DEPARTMENT OF LABOR,)
and ISAAC WALTERS,)
)
Respondents.)

**ON PETITION FOR REVIEW
FROM BENEFITS REVIEW
BOARD, UNITED STATES
DEPARTMENT OF LABOR**

BEFORE: MERRITT and CLAY, Circuit Judges; and STAFFORD, District Judge.*

PER CURIAM.

Robert Coal Company and its carrier (collectively "Robert Coal") seek review of a decision of the Benefits Review Board (the "Board") affirming the administrative law judge's ("ALJ") decision to award black lung benefits to Isaac Walters, who worked underground in coal mines for fourteen years. After careful review of the administrative record, the ALJ's exhaustive 75-page Decision and Order Awarding Benefits, the Board's order affirming the ALJ's decision, and the parties' briefs, we deny Robert Coal's petition for review, thereby affirming the award of benefits to Walters.

* The Honorable William H. Stafford, Jr., Senior United States District Judge for the Northern District of Florida, sitting by designation.

Because the parties are familiar with the facts and history of the case, we do not recount them in this unpublished opinion. It is sufficient to note that, in essence, Robert Coal raises a single issue before this court—namely, that the ALJ erred as a matter of law by relying on the preamble to the Department of Labor's amended benefits-eligibility regulations when analyzing and weighing the conflicting medical opinions regarding the nature and cause of Walters's impairment. The Board rejected this argument, as do we. Indeed, Robert Coal's argument is foreclosed by this court's decision in *A & E Coal Co. v. Adams*, 694 F.3d 798, 801-02 (6th Cir. 2012).

We otherwise find no basis for setting aside the ALJ's decision. The ALJ carefully reviewed the medical evidence, appropriately weighed the many physicians' opinions, well and thoroughly explained her assessment of those opinions, and had substantial evidence to support her decision.

PETITION DENIED.