

# **PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969- )**

## **Table of Contents**

### **Subpart A—Introduction, General Provisions, and Definitions**

#### **Sec.**

- [410.101](#) Introduction.
- [410.110](#) General definitions and use of terms.
- [410.120](#) Disclosure of program information.
- [410.130](#) Periods of limitation ending on nonworkdays.

### **Subpart B—Requirements for Entitlement; Duration of Entitlement; Filing of Claims and Evidence**

- [410.200](#) Types of benefits; general.
- [410.201](#) Conditions of entitlement; miner.
- [410.202](#) Duration of entitlement; miner.
- [410.210](#) Conditions of entitlement; widow or surviving divorced wife.
- [410.211](#) Duration of entitlement; widow or surviving divorced wife.
- [410.212](#) Conditions of entitlement; child.
- [410.213](#) Duration of entitlement; child.
- [410.214](#) Conditions of entitlement; parent, brother, or sister.
- [410.215](#) Duration of entitlement; parent, brother, or sister.
- [410.216](#) "Good cause" for delayed filing of proof of support.
- [410.219](#) Filing a claim under State workmen's compensation law; when filing such claim shall be considered futile.
- [410.220](#) Claim for benefits; definitions.
- [410.221](#) Prescribed application and request forms.

- [410.222](#) Execution of a claim.
- [410.223](#) Evidence of authority to execute a claim on behalf of another.
- [410.224](#) Claimant must be alive when claim is filed.
- [410.226](#) Periods for which claims are effective.
- [410.227](#) When a claim is considered to have been filed; time and place of filing.
- [410.228](#) Requests and notices to be in writing.
- [410.229](#) When written statement is considered a claim; general.
- [410.230](#) Written statement filed by or for a miner on behalf of a member of his family.
- [410.231](#) Time limits for filing claims.
- [410.232](#) Withdrawal of a claim.
- [410.233](#) Cancellation of a request for withdrawal.
- [410.234](#) Interim provisions.
- [410.240](#) Evidence.
- [410.250](#) Effect of conviction of felonious and intentional homicide on entitlement to benefits.

### **Subpart C—Relationship and Dependency**

- [410.300](#) Relationship and dependency; general.
- [410.310](#) Determination of relationship; wife.
- [410.311](#) Determination of relationship; divorced wife.
- [410.320](#) Determination of relationship; widow.
- [410.321](#) Determination of relationship; surviving divorced wife.
- [410.330](#) Determination of relationship; child.
- [410.340](#) Determination of relationship; parent, brother, or sister.
- [410.350](#) Determination of dependency; wife.
- [410.351](#) Determination of dependency; divorced wife.
- [410.360](#) Determination of dependency; widow.
- [410.361](#) Determination of dependency; surviving divorced wife.
- [410.370](#) Determination of dependency; child.
- [410.380](#) Determination of dependency; parent, brother, or sister.
- [410.390](#) Time of determinations.
- [410.391](#) Legal impediment.

- [410.392](#) Domicile.
- [410.393](#) "Member of the same household"; "living with"; "living in the same household"; and "living in the miner's household".
- [410.394](#) [Reserved]
- [410.395](#) Contributions and support.

**Subpart D—Total Disability or Death Due to Pneumoconiosis**

- [410.401](#) Scope of subpart D.
- [410.410](#) Total disability due to pneumoconiosis, including statutory presumption.
- [410.412](#) "Total disability" defined.
- [410.414](#) Determining the existence of pneumoconiosis, including statutory presumption.
- [410.416](#) Determining origin of pneumoconiosis, including statutory presumption.
- [410.418](#) Irrebuttable presumption of total disability due to pneumoconiosis.
- [410.422](#) Determining total disability: General criteria.
- [410.424](#) Determining total disability: Medical criteria only.
- [410.426](#) Determining total disability: Age, education, and work experience criteria.
- [410.428](#) X-ray, biopsy, and autopsy evidence of pneumoconiosis.
- [410.430](#) Ventilatory studies.
- [410.432](#) Cessation of disability.
- [410.450](#) Death due to pneumoconiosis, including statutory presumption.
- [410.454](#) Determining the existence of pneumoconiosis, including statutory presumption—survivor's claim.
- [410.456](#) Determining origin of pneumoconiosis, including statutory presumption—survivor's claim.
- [410.458](#) Irrebuttable presumption of death due to pneumoconiosis—survivor's claim.
- [410.462](#) Presumption relating to respirable disease.
- [410.470](#) Determination by nongovernmental organization or other governmental agency.
- [410.471](#) Conclusion by physician regarding miner's disability or death.
- [410.472](#) Consultative examinations.
- [410.473](#) Evidence of continuation of disability.

- [410.474](#) Place and manner of submitting evidence.
- [410.475](#) Failure to submit evidence.
- [410.476](#) Responsibility to give notice of event which may affect a change in disability status.
- [410.490](#) Interim adjudicatory rules for certain part B claims filed by a miner before July 1, 1973, or by a survivor where the miner died before January 1, 1974.

#### [Appendix to Subpart D](#)

### **Subpart E—Payment of Benefits**

- [410.501](#) Payment periods.
- [410.505](#) Payees.
- [410.510](#) Computation of benefits.
- [410.511](#) Certification to dependent of augmentation portion of benefit.
- [410.515](#) Modification of benefit amounts; general.
- [410.520](#) Reductions; receipt of State benefit.
- [410.530](#) Reductions; excess earnings.
- [410.535](#) Reductions; effect of an additional claim for benefits.
- [410.536](#) Reductions; effect of augmentation of benefits based on subsequent qualification of individual.
- [410.540](#) Reductions; more than one reduction event.
- [410.550](#) Nonpayment of benefits to residents of certain States.
- [410.560](#) Overpayments.
- [410.561](#) Notice of right to waiver consideration.
- [410.561a](#) When waiver may be applied and how to process the request.
- [410.561b](#) Fault.
- [410.561c](#) Defeat the purpose of title IV.
- [410.561d](#) Against equity and good conscience; defined.
- [410.561e](#) When an individual is "without fault" in a reduction-overpayment.
- [410.561f](#) When an individual is "without fault" in an entitlement overpayment.
- [410.561g](#) When an individual is at "fault" in a reduction-overpayment.
- [410.561h](#) When adjustment or recovery of an overpayment will be waived.
- [410.563](#) Liability of a certifying officer.
- [410.565](#) Collection and compromise of claims for overpayment.
- [410.570](#) Underpayments.

- [410.580](#) Relation to provisions for reductions or increases.
- [410.581](#) Payments on behalf of an individual.
- [410.582](#) Submission of evidence by representative payee.
- [410.583](#) Responsibility of representative payee.
- [410.584](#) Use of benefits for current maintenance.
- [410.585](#) Conservation and investment of payments.
- [410.586](#) Use of benefits for beneficiary in institution.
- [410.587](#) Support of legally dependent spouse, child, or parent.
- [410.588](#) Claims of creditors.
- [410.589](#) Accountability.
- [410.590](#) Transfer of accumulated benefit payments.
- [410.591](#) Eligibility for services and supplies under part C of title IV of the act.

### **Subpart F—Determinations of Disability, Other Determinations, Administrative Review, Finality of Decisions, and Representation of Parties**

- [410.601](#) Determinations of disability.
- [410.610](#) Administrative actions that are initial determinations.
- [410.615](#) Administrative actions that are not initial determinations.
- [410.620](#) Notice of initial determination.
- [410.621](#) Effect of initial determination.
- [410.622](#) Reconsideration and hearing.
- [410.623](#) Reconsideration; right to reconsideration.
- [410.624](#) Time and place of filing request.
- [410.625](#) Parties to the reconsideration.
- [410.626](#) Notice of reconsideration.
- [410.627](#) Reconsidered determination.
- [410.628](#) Notice of reconsidered determination.
- [410.629](#) Effect of a reconsidered determination.
- [410.629a](#) Expedited appeals process; conditions for use of such process.
- [410.629b](#) Expedited appeals process; place and time of filing request.
- [410.629c](#) Expedited appeals process; parties.
- [410.629d](#) Expedited appeals process; agreement requirements.
- [410.629e](#) Expedited appeals process; effect of agreement.

- [410.629f](#) Effect of a request that does not result in agreement.
- [410.630](#) Hearing; right to hearing.
- [410.631](#) Time and place of filing request.
- [410.632](#) Parties to a hearing.
- [410.633](#) Additional parties to the hearing.
- [410.634](#) Administrative Law Judge.
- [410.635](#) Disqualification of Administrative Law Judge.
- [410.636](#) Time and place of hearing.
- [410.637](#) Hearing on new issues.
- [410.638](#) Change of time and place for hearing.
- [410.639](#) Subpenas.
- [410.640](#) Conduct of hearing.
- [410.641](#) Evidence.
- [410.642](#) Witnesses.
- [410.643](#) Oral argument and written allegations.
- [410.644](#) Record of hearing.
- [410.645](#) Joint hearings.
- [410.646](#) Consolidated issues.
- [410.647](#) Waiver of right to appear and present evidence.
- [410.648](#) Dismissal of request for hearing; by application of party.
- [410.649](#) Dismissal by abandonment of party.
- [410.650](#) Dismissal for cause.
- [410.651](#) Notice of dismissal and right to request review thereon.
- [410.652](#) Effect of dismissal.
- [410.653](#) Vacation of dismissal of request for hearing.
- [410.654](#) Administrative Law Judge's decision or certification to Appeals Council.
- [410.655](#) Effect of Administrative Law Judge's decision.
- [410.656](#) Removal of hearing to Appeals Council.
- [410.657](#) Appeals Council proceedings on certification and review; procedure before Appeals Council on certification by the Administrative Law Judge.
- [410.658](#) Evidence in proceeding before Appeals Council.

- [410.659](#) Decision of Appeals Council.
- [410.660](#) Right to request review of Administrative Law Judge's decision or dismissal.
- [410.661](#) Time and place of filing request.
- [410.662](#) Action by Appeals Council on review.
- [410.663](#) Procedure before Appeals Council on review.
- [410.664](#) Evidence admissible on review.
- [410.665](#) Decision by Appeals Council or remanding of case.
- [410.666](#) Effect of Appeals Council's decision or refusal to review.
- [410.667](#) Dismissal by Appeals Council.
- [410.668](#) Extension of time to request reconsideration.
- [410.669](#) Extension of time to request hearing or review or begin civil action.
- [410.670](#) Review by Appeals Council.
- [410.670a](#) Judicial review.
- [410.670b](#) Interim provision for the adjudication of certain claims filed prior to May 19, 1972.
- [410.670c](#) Application of circuit court law.
- [410.671](#) Revision for error or other reason; time limitation generally.
- [410.672](#) Reopening initial, revised or reconsidered determinations of the Administration and decisions of an Administrative Law Judge or the Appeals Council; finality of determinations and decisions.
- [410.673](#) Good cause for reopening a determination or decision.
- [410.674](#) Finality of suspension of benefit payments for entire taxable year because of earnings.
- [410.675](#) Time limitation for revising finding suspending benefit payments for entire taxable year because of earnings.
- [410.675a](#) Late completion of timely investigation.
- [410.676](#) Notice of revision.
- [410.677](#) Effect of revised determination.
- [410.678](#) Time and place of requesting hearing on revised determination.
- [410.679](#) Finality of findings with respect to other claims for benefits based on the disability or death of a miner.
- [410.680](#) Imposition of reductions.
- [410.681](#) Change of ruling or legal precedent.

- [410.682](#) General applicability.
- [410.683](#) Certification of payment; determination or decision providing for payment.
- [410.683a](#) [Reserved]
- [410.683b](#) Transfer or assignment.
- [410.684](#) Representation of party; appointment of representative.
- [410.685](#) Qualifications of representative.
- [410.686](#) Authority of representative.
- [410.686a](#) Proceedings before a State or Federal court.
- [410.686b](#) Fee for services performed for an individual before the Social Security Administration.
- [410.686c](#) Petition for approval of fee.
- [410.686d](#) Payment of fees.
- [410.686e](#) Services rendered for an individual in a proceeding before the Administration under part B of title IV of the Act.
- [410.687](#) Rules governing the representation and advising of claimants and parties.
- [410.687a](#) Effective date.
- [410.688](#) Disqualification or suspension of an individual from acting as a representative in proceedings before SSA.
- [410.689](#) Notice of charges.
- [410.690](#) Withdrawal of charges.
- [410.691](#) Referral to the Deputy Commissioner for Programs and Policy, or his or her designee, for hearing and decision.
- [410.692](#) Hearing on charges.
- [410.693](#) Decision by hearing officer.
- [410.694](#) Right to request review of the hearing officer's decision.
- [410.695](#) Procedure before Appeals Council on review of hearing officer's decision.
- [410.696](#) Evidence admissible on review.
- [410.697](#) Decision by Appeals Council on review of hearing officer's decision.
- [410.698](#) Dismissal by Appeals Council.
- [410.699](#) Reinstatement after suspension or disqualification.
- [410.699a](#) Penalties for fraud.



## **Subpart G—Rules for the Review of Denied and Pending Claims Under the Black Lung Benefits Reform Act (BLBRA) of 1977**

- [410.700](#) Background.
- [410.701](#) Jurisdiction for determining entitlement under part B.
- [410.702](#) Definitions and terms.
- [410.703](#) Adjudicatory rules for determining entitlement to benefits.
- [410.704](#) Review procedures.
- [410.705](#) Duplicate claims.
- [410.706](#) Effect of Social Security Administration determination of entitlement.
- [410.707](#) Hearings and appeals.