

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR *v.* GREENWICH COLLIERIES ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 93-744. Argued April 25, 1994—Decided June 20, 1994¹

In adjudicating separate benefits claims under the Black Lung Benefits Act (BLBA) and the Longshore and Harbor Workers' Compensation Act (LHWCA), the Department of Labor Administrative Law Judges (ALJs) both applied the Department's "true doubt" rule. This rule essentially shifts the burden of persuasion to the party opposing the claim so that when, as here, the evidence is evenly balanced, the benefits claimant wins. In both cases, the Department's Benefits Review Board affirmed the ALJ's decision to award benefits. However, the Court of Appeals vacated the Board's decision in the BLBA case, holding that the true doubt rule is inconsistent with the Department's own BLBA regulations, as well as with *Mullins Coal Co. v. Director, Office of Workers' Compensation Programs*, 484 U. S. 135. And, in the LHWCA case, the court reversed on the ground that the true doubt rule violates §7(c) of the Administrative Procedure Act (APA), which states that "[e]xcept as otherwise provided by statute, the proponent of a rule or order has the burden of proof."

Held:

1. Section 7(c)'s burden of proof provision applies to adjudications under the LHWCA and the BLBA, each of which

¹Together with *Director, Office of Workers' Compensation Programs, Department of Labor v. Maher Terminals, Inc., et al.*, also on certiorari to the same court.

contains a section incorporating the APA. Neither 33 U. S. C. §923(a), which relieves the Department of certain evidentiary and procedural requirements in LHWCA investigations and hearings, nor an ambiguous BLBA regulation providing that claimants be given the benefit of all reasonable doubt, is sufficient to overcome the presumption that adjudications are subject to the APA. See *Brownell v. Tom We Shung*, 352 U. S. 180, 185. Pp. 3-4.

DIRECTOR, OWCP v. GREENWICH COLLIERIES

Syllabus

2. The true doubt rule is not consistent with §7(c). Pp. 4–14.

(a) An examination of *Hill v. Smith*, 260 U. S. 592, 594, and other relevant cases, as well as contemporary evidence treatises, demonstrates that, in 1946, the year the APA was enacted, the ordinary meaning of §7(c)'s "burden of proof" phrase was burden of persuasion (*i.e.*, the obligation to persuade the trier of fact of the truth of a proposition), not simply burden of production (*i.e.*, the obligation to come forward with evidence to support a claim). This Court presumes that Congress intended the phrase to have the meaning generally accepted in the legal community at the time of enactment. See, *e.g.*, *Holmes v. Securities Investor Protection Corp.*, 503 U. S. ___, ___. Because the true doubt rule places the burden of persuasion on the party opposing a benefits award, it violates §7(c)'s requirement that that burden rest with the party seeking the award. Pp. 4–9.

(b) In light of the foregoing, the cursory conclusion set forth in *NLRB v. Transportation Management Corp.*, 462 U. S. 393, 404, n. 7—in which the Court stated that §7(c) determines only the burden of going forward, not the burden of persuasion—cannot withstand scrutiny. Pp. 9–11.

(c) The Department's reliance on imprecise and marginally relevant passages from the APA's legislative history is unavailing. Pp. 11–13.

(d) The true doubt runs afoul of the APA's goal of greater uniformity of procedure and standardization of administrative practice among the diverse federal agencies, for under the Department's reading each agency would be free to decide who bears the burden of persuasion. Pp. 13–14.

3. Because these cases are decided on the basis of §7(c), this Court need not address the Court of Appeals' holding that the true doubt rule conflicts with BLBA regulations and *Mullins Coal*. P. 14.
990 F.2d 730 (first case) and 992 F.2d 1277 (second case), affirmed.

O'CONNOR, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and SCALIA, KENNEDY, THOMAS, and GINSBURG, JJ., joined. SOUTER, J., filed a dissenting opinion, in which BLACKMUN and STEVENS, JJ., joined.