

BRB No. 89-2373 BLA

ROBERT O. PINEGAR )

)  
Claimant-Petitioner )

)  
v. )

)  
ALABAMA BY-PRODUCTS )  
CORPORATION )

) DATE ISSUED:  
Employer-Respondent )

)  
DIRECTOR, OFFICE OF WORKERS' )  
COMPENSATION PROGRAMS, UNITED )  
STATES DEPARTMENT OF LABOR )

)  
Party-in-Interest ) DECISION and ORDER

Appeal of the Decision and Order on Remand of James W. Kerr, Jr.,  
Administrative Law Judge, United States Department of Labor.

Pat Nelson (Robinson & Nelson), Jasper, Alabama, for claimant.

Before: SMITH, DOLDER and McGRANERY, Administrative Appeals  
Judges.

PER CURIAM:

Claimant appeals the Decision and Order on Remand (83-BLA-1573) of Administrative Law Judge James W. Kerr, Jr. denying benefits on a claim filed pursuant to the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, 30 U.S.C. §901 *et seq.* (the Act). This case is on appeal before the Board for the second time. Claimant filed a claim on January 6, 1976 and the administrative law judge found that claimant established invocation of the interim presumption pursuant to 20 C.F.R. §727.203(a)(3). The administrative law judge then determined that the presumption was rebutted by the medical evidence. Accordingly, benefits were denied. On appeal, the Board remanded the case for the administrative law judge to reconsider his finding of invocation pursuant to 20 C.F.R. §727.203(a)(3) and for consideration of rebuttal pursuant to 20 C.F.R. §727.203(b).

The administrative law judge was further instructed to consider the applicability of 20 C.F.R. §410.490. See *Pinegar v. Alabama By-Products*, BRB No. 86-1209 BLA (Dec. 30, 1988)(unpub.). On remand, the administrative law judge found that claimant established invocation of the interim presumption pursuant to 20 C.F.R. §727.203(a)(3) and that employer established rebuttal of the

presumption pursuant to 20 C.F.R. §727.203(b)(2), (b)(3), and (b)(4). The administrative law judge further found that claimant did not establish invocation of the presumption pursuant to 20 C.F.R. §410.490(b). Accordingly, benefits were again denied. On appeal, claimant generally contends that the administrative law judge's Decision and Order on Remand is not supported by substantial evidence and that the Department of Labor is equitably estopped from collecting the overpayment which resulted from the denial of benefits on remand. Neither employer nor the Director, Office of Workers' Compensation Programs (the Director), has chosen to reply in this case.

The Board's scope of review is defined by statute. The administrative law judge's findings of fact and conclusions of law must be affirmed if they are supported by substantial evidence, are rational, and are in accordance with law. 33 U.S.C. §921(b)(3), as incorporated by 30 U.S.C. §932(a); O'Keeffe v. Smith, Hinchman & Grylls Associates, Inc., 380 U.S. 359 (1965).

In his brief, claimant simply states that the Director should be estopped from changing his original favorable decision and that claimant should be allowed the benefits that he has been paid without raising any specific error committed by the administrative law judge. The Board has consistently held that it will not address any issues on appeal that are inadequately briefed. Claimant must allege with specificity any error of fact or law committed by the administrative law judge. See 20 C.F.R. §802.211; *Sarf v. Director, OWCP*, 10 BLR 1-119 (1987); *Slinker v. Peabody Coal Co.*, 6 BLR 1-465 (1983); *Fish v. Director, OWCP*, 6 BLR 1-107 (1983). Claimant's arguments on appeal are therefore rejected.<sup>1</sup>

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<sup>1</sup>If claimant wishes to seek waiver of recovery of the overpayment which resulted from the denial of benefits in his claim he should do so before the district director. See 20 C.F.R. §§410.561 *et seq.*, 725.541 *et seq.*

Accordingly, the administrative law judge's Decision and Order on Remand denying benefits is affirmed.

SO ORDERED.

ROY P. SMITH  
Administrative Appeals Judge

NANCY S. DOLDER  
Administrative Appeals Judge

REGINA C. McGRANERY  
Administrative Appeals Judge