

BRB No. 92-2374 BLA

DONALD T. COLE)
)
 Claimant-Petitioner)
)
 v.)
)
 WHITE'S ENTERPRISES)
) 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 of Robert J. Feldman, Administrative Law Judge, United States Department of Labor.

William Lawrence Roberts, Pikeville, Kentucky, for claimant.
Ronald E. Gilbertson (Kilcullen, Wilson & Kilcullen Chartered),
Washington, D.C., for employer.

Before: SMITH and BROWN, Administrative Appeals Judges, and SHEA,
Administrative Law Judge.*

PER CURIAM:

Claimant appeals the Decision and Order (88-BLA-0827) of Administrative Law Judge Robert J. Feldman 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). Claimant initially filed a claim for benefits on March 10, 1973, which was ultimately denied on December 29, 1980. The administrative law judge deemed this claim finally

*Sitting as a temporary Board member by designation pursuant to the Longshore and Harbor Workers' Compensation Act as amended in 1984, 33 U.S.C. §921(b)(5)(1988).

closed as claimant did not pursue the claim in a timely manner. Claimant filed a second claim for benefits on April 29, 1985, which the administrative law judge considered pursuant to 20 C.F.R. Part 718. After crediting claimant with ten to fifteen years of coal mine employment, the administrative law judge found that claimant established the existence of pneumoconiosis pursuant to 20 C.F.R. §717.202(a)(1) and that his pneumoconiosis arose from his coal mine employment pursuant to 20 C.F.R. §718.203(b). The administrative law judge then determined that claimant failed to establish total disability pursuant to 20 C.F.R. §718.204(c). Accordingly, benefits were denied. On appeal, claimant generally contends that the administrative law judge erred in denying benefits without making any specific allegations of error. Employer responds in support of the administrative law judge's Decision and Order. The Director, Office of Workers' Compensation Programs (the Director), has chosen not to respond to this appeal.

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'Keefe v. Smith, Hinchman & Grylls Associates, Inc.*, 380 U.S. 359 (1965).

On appeal, claimant generally contends that the administrative law judge erred in weighing the medical evidence of record. He recites only the evidence of record which is favorable to him and makes no specific allegations of error. Claimant mentions that the administrative law judge failed to give him the "benefit of a doubt", see Claimant's brief at 1, however, he does not support this statement with a discussion of the evidence and does not mention that the administrative law judge did not find the evidence to be equally probative on the issue of total disability.¹ 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). As claimant has failed to do so in this case, the administrative law judge's Decision and Order denying benefits is affirmed.

¹We note that in finding that claimant established the existence of pneumoconiosis pursuant to 20 C.F.R. §718.202(a)(1), the administrative law judge found that the conflicting x-ray evidence gave rise to true doubt on this issue, which he permissibly resolved in claimant's favor. See Decision and Order at 10; *Skukan v. Consolidation Coal Co.*, 993 F.2d 1228, 17 BLR 2-97 (6th Cir. 1993). The administrative law judge did not make such a finding regarding the issue of total disability.

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

SO ORDERED.

ROY P. SMITH
Administrative Appeals Judge

JAMES F. BROWN
Administrative Appeals Judge

ROBERT J. SHEA
Administrative Law Judge