

BRB No. 91-1721 BLA

ODELL MULLIS )  
 )  
 Claimant-Petitioner )  
 )  
 v. )  
 ) DATE ISSUED: \_\_\_\_\_ )  
 DIRECTOR, OFFICE OF WORKERS' )  
 COMPENSATION PROGRAMS, UNITED )  
 STATES DEPARTMENT OF LABOR )  
 )  
 Respondent ) DECISION and ORDER

Appeal of the Decision and Order of Jeffrey Tureck, Administrative Law Judge, United States Department of Labor.

C. Cooper Geraty (Geraty & MacQueen), Charlottesville, Virginia, for claimant.

Before: SMITH and DOLDER, Administrative Appeals Judges, and LAWRENCE, Administrative Law Judge.\*

PER CURIAM:

Claimant appeals the Decision and Order (90-BLA-1285) of Administrative Law Judge Jeffrey Tureck 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 on December 16, 1974, which was denied on July 31, 1979. Claimant thereafter filed a second claim on August 19, 1985, which was also denied by the deputy commissioner. A formal hearing was held, at claimant's request, on June 2, 1988 and the administrative law judge remanded the case to the deputy commissioner for a determination regarding the duplicate claim issue pursuant to Lukman v. Director, 11 BLR 1-71 (1988)(en banc). The remand order was appealed to the Board and, on March 30, 1990, the Board remanded the case to the administrative law judge for a hearing. See Mullis v. Director, OWCP, BRB No. 88-3364 BLA (March 30, 1990)(unpubl.). The

administrative law judge credited claimant with fifteen years of coal mine employment and considered the claim pursuant to 20 C.F.R. Part 718. The administrative law judge then determined that

\*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).

claimant did not establish a material change in conditions pursuant to 20 C.F.R. §725.309. Accordingly, benefits were denied. On appeal, claimant generally contends that the administrative law judge erred in failing to determine that claimant established a material change in conditions. Neither employer nor the Director, Office of Workers' Compensation Programs (the Director), have chosen to respond 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 evidence, taken as a whole, demonstrates that there was a material change and that claimant is disabled, 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). As a result, the administrative law judge's finding that claimant failed to establish a material change in conditions pursuant to 20 C.F.R. §725.309 is affirmed.<sup>1</sup>

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<sup>1</sup>We note that claimant filed a motion for decision as the Director failed to submit a response brief after being granted an extension of time in which to file his brief. This motion is now moot.

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

SO ORDERED.

ROY P. SMITH  
Administrative Appeals Judge

NANCY S. DOLDER  
Administrative Appeals Judge

LEONARD N. LAWRENCE  
Administrative Law Judge