

BRB No. 92-2157 BLA

SAM COOTS )  
 )  
 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 Steven E. Halpern, Administrative Law Judge, United States Department of Labor.

John C. Dixon, Barbourville, Kentucky, for claimant.  
Nancy G. Feeney (Thomas S. Williamson, Jr., Solicitor of Labor; Donald S. Shire, Associate Solicitor; Rae Ellen Frank James, Deputy Associate Solicitor; Richard A. Seid and Michael J. Rutledge, Counsel for Administrative Litigation and Legal Advice), Washington, D.C., for the Director, Office of Workers' Compensation Programs, United States Department of Labor.

Before: DOLDER, Acting Chief Administrative Appeals Judge, BROWN  
and McGRANERY, Administrative Appeals Judges.

PER CURIAM:

Claimant appeals the Decision and Order (91-BLA-2481) of Administrative Law Judge Steven E. Halpern 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 involves a duplicate claim issue.

Claimant filed his first claim on April 7, 1975. This claim was denied on September 20, 1976, and claimant took no further action on the claim. Thus, the denial of the claim became final. Claimant filed his second claim on August 14, 1987. The administrative law judge considered the claim pursuant to 20 C.F.R. Part 718 and

credited claimant with eight years of coal mine employment. The administrative law judge then determined that claimant failed to 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. The Director, Office of Workers' Compensation Programs (the Director), responds in support of the administrative law judge's Decision and Order.

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 generally contends that the administrative law judge erred in weighing the evidence of record. Claimant recites only the evidence of record which is favorable to him and makes no specific allegations of error.<sup>1</sup> 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.

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

SO ORDERED.

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<sup>1</sup>Claimant mentions that the administrative law judge did not apply the true doubt rule when weighing the x-ray evidence, however, he does not support this statement with a full discussion of the x-ray evidence of record. Moreover, this argument is meritless in light of the fact that the administrative law judge did not find the x-ray evidence to be equally probative. See *King v. Cannelton Industries, Inc.*, 8 BLR 1-146 (1985); Decision and Order at 2.

NANCY S. DOLDER, Acting Chief  
Administrative Appeals Judge

JAMES F. BROWN  
Administrative Appeals Judge

REGINA C. McGRANERY  
Administrative Appeals Judge