

BRB No. 93-0156 BLA

LIZA CHURCH)
(Widow of JOHN W. CHURCH))

)
Claimant-Petitioner)

v.)

)
EASTERN COAL 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 of David W. Di Nardi, Administrative Law Judge, United States Department of Labor.

Herbert Deskins, Jr. (Deskins & Pafunda), Pikeville, Kentucky, for claimant.

Billy R. Shelton (Baird, Baird, Baird & Jones, P.S.C.), Pikeville, Kentucky, for employer.

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

PER CURIAM:

Claimant appeals the Decision and Order (91-BLA-1113) of Administrative Law Judge David W. Di Nardi 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). Based on the date of filing, May 24,

1988, the administrative law judge considered the claim pursuant to 20 C.F.R. Part 718.¹ After crediting claimant with more than thirty-five

¹The administrative law judge erred in failing to consider this claim as a duplicate claim pursuant to 20 C.F.R. §725.309(c), as claimant filed a Part B claim on June 30, 1973 which was denied on September 17, 1979. However, any error would be harmless as the administrative law judge considered the claim on the merits. See *Larioni v. Director, OWCP*, 6 BLR 1-1276 (1984).

years of coal mine employment, the administrative law judge found that claimant failed to establish the existence of pneumoconiosis pursuant to 20 C.F.R. §718.202(a) and total disability pursuant to 20 C.F.R. §718.204. 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'Keeffe 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 opinion evidence of record. He states that there is sufficient evidence of record to support entitlement and that the administrative law judge erred in not invoking the interim presumption of pneumoconiosis. He does not make any specific allegations of error. 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's allegations are insufficient to invoke Board review, the administrative law judge's findings that claimant failed to establish the existence of pneumoconiosis and total disability are affirmed.

Accordingly, the administrative law judge's D&O denying benefits is affirmed.

SO ORDERED.

NANCY S. DOLDER, Acting Chief
Administrative Appeals Judge

JAMES F. BROWN
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge