

BRB No. 85-2070 BLA,
85-2070 BLA-A and
85-2070 BLA-B

GEORGE MASON)
)
 Claimant-Petitioner)
)
 v.)
)
 BLUE DIAMOND COAL COMPANY)
)
 Employer-Petitioner)
) DATE ISSUED:
 A.B.D., INCORPORATED)
 SHAREHOLDERS LIQUIDATING TRUST)
)
 Employer-Petitioner)
)
 DIRECTOR, OFFICE OF WORKERS')
 COMPENSATION PROGRAMS, UNITED)
 STATES DEPARTMENT OF LABOR)
)
 Party-in-Interest) DECISION and ORDER

Appeal of the Decision and Order of W. Ralph Musgrove, Administrative Law
Judge, United States Department of Labor.

L. Waldon Jones, Williamsburg, Kentucky, for claimant.

Maxwell P. Barret (Barret, Haynes & May), Hazard, Kentucky, for Blue
Diamond Coal Company.

Armer H. Mahan, Jr. (Davis & Mahan), Louisville, Kentucky, for A.B.D.,
Incorporated Shareholders Liquidating Trust.

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

PER CURIAM:

Claimant appeals, and employers cross-appeal, the Decision and Order (82-BLA-4600) of Administrative Law Judge W. Ralph Musgrove 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 filed a claim for benefits on February 23, 1977. The administrative law judge initially considered the responsible operator issue and found Blue Diamond Coal Company (Blue Diamond) to be the responsible operator, and dismissed A.B.D., Incorporated Shareholders Trust (A.B.D.) from primary responsibility for the payment of benefits. The

administrative law judge next considered the claim pursuant to 20 C.F.R. Part 727 and found invocation of the interim presumption pursuant to 20 C.F.R. §727.203(a)(1). The administrative law judge then found rebuttal established pursuant to 20 C.F.R. §727.203(b)(2) and (3), and that entitlement was not established pursuant to 20 C.F.R. Part 410, Subpart D. Accordingly, benefits were denied. On appeal, claimant generally contends that the administrative law judge erred in finding that claimant was not entitled to benefits. Blue Diamond contends on appeal that the administrative law judge erred in dismissing A.B.D. as the responsible operator. A.B.D. generally contends on appeal that the administrative law judge erred in finding invocation pursuant to 20 C.F.R. §727.203(a)(1). The Director, Office of Workers' Compensation Programs (the Director), has chosen not 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 attending facts and circumstances surrounding claimant's claim if couched in the spirit of the Pneumoconiosis Benefit Act does not provide for a denial of benefits," and that there is substantial evidence in the record to support a finding of total disability, without raising any specific allegations of 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 and the administrative law judge's denial of benefits is affirmed. Further, as the denial of benefits is affirmed, the issues raised in both of the employers' appeals are moot.¹

¹It is noted that the administrative law judge properly relied on Administrative Law Judge Sarno's holding in *Thompson v. Blue Diamond Coal Co.*, 82-BLA-4825 (April 10, 1985), in dismissing A.B.D. and naming Blue Diamond as the responsible operator. In *Thompson*, which is factually similar to this case on the responsible operator issue, the administrative law judge considered the issues raised by Blue Diamond in this appeal and determined that Blue Diamond is the proper responsible operator.

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

SO ORDERED.

JAMES F. BROWN
Administrative Appeals Judge

NANCY S. DOLDER
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge