

BRB No. 99-0822 BLA

HENRY S. STEVENS)	
)	
Claimant-Petitioner)	
)	
v.)	
)	
RAMBLIN COAL COMPANY,)	DATE ISSUED:
INCORPORATED)	
)	
and)	
)	
TRAVELERS INSURANCE COMPANY)	
)	
Employer/Carrier-)	
Respondent)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Party-in-Interest)	DECISION and ORDER

Appeal of the Decision and Order - Denial of Benefits of Daniel J. Roketenetz, Administrative Law Judge, United States Department of Labor.

William Lawrence Roberts, Pikeville, Kentucky, for claimant.

J. Logan Griffith (Wells, Porter, Schmitt & Jones), Paintsville, Kentucky, for employer.

Before: HALL, Chief Administrative Appeals Judge, BROWN, Administrative Appeals Judge, and NELSON, Acting Administrative Appeals Judge.

PER CURIAM:

Claimant appeals the Decision and Order - Denial of Benefits (98-BLA-0745) of Administrative Law Judge Daniel J. Roketenetz on a duplicate 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). The administrative law judge found that claimant

established twenty-two years of coal mine employment, and based on the filing date of the claim applied the regulations at 20 C.F.R. Part 718. The administrative law judge reviewed all of the newly submitted evidence in accordance with 20 C.F.R. §725.309, *Sharondale Corp. v. Ross*, 42 F.3d 993, 19 BLR 2-10 (6th Cir. 1994), and determined 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(c), elements he had previously failed to establish. Accordingly, the administrative law judge found that claimant failed to establish a material change in conditions at Section 725.309, and denied benefits. Claimant appeals, contending that the administrative law judge erred in failing to find the existence of pneumoconiosis at Section 718.202(a)(4) and total disability at 718.204(c)(4).¹ Employer responds, urging affirmance of the administrative law judge's Decision and Order. The Director, Office of Workers' Compensation Programs (the Director), has not participated in this appeal.

The Board's scope of review is defined by statute. If the findings of fact and conclusions of law of the administrative law judge are supported by substantial evidence, are rational and are consistent with applicable law, they are binding upon this Board and may not be disturbed. 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).

Claimant contends that the opinion of Dr. Clarke establishes the existence of pneumoconiosis and total disability pursuant to Sections 718.202(a)(4) and 718.204(c)(4). Claimant fails however, to allege with specificity any error on the part of the administrative law judge with regard to his weighing of Dr. Clarke's opinion along with the other opinions pursuant to Sections 718.202(a)(4) and 718.204(c)(4). Claimant's Brief at 2; Decision and Order at 7-8, 10. The Board has repeatedly held that it will not review contentions inadequately addressed on appeal. *Cox v. Benefits Review Board*, 791 F.2d 445, 9 BLR 2-46 (6th Cir. 1986); *Barnes v. Director, OWCP*, 19 BLR 1-71 (1995); *Sarf v. Director, OWCP*, 10 BLR 1-119 (1987); *Fish v. Director, OWCP*, 6 BLR 1-107 (1983). We therefore affirm the administrative law judge's weighing of the medical evidence pursuant to Sections 718.202(a)(4) and 718.204(c), and his findings thereunder.

¹ We affirm the administrative law judge's finding of twenty-two years of coal mine employment, and that claimant failed to establish the existence of pneumoconiosis at 20 C.F.R. §718.202(a)(1)-(3) and total disability at 20 C.F.R. §718.204(c)(1)-(3) as unchallenged on appeal. See *Skrack v. Island Creek Coal Co.*, 6 BLR 1-710 (1983).

As claimant has failed to establish any element of entitlement previously found against him, claimant has failed to establish a material change in conditions pursuant to Section 725.309, and the duplicate claim must be denied. *See Ross, supra.*

Accordingly, the Decision and Order - Denial of Benefits of the administrative law judge is affirmed.

SO ORDERED.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

JAMES F. BROWN
Administrative Appeals Judge

MALCOLM D. NELSON, Acting
Administrative Appeals Judge