

BRB No. 88-1204 BLA

CLIFFORD G. CONNER)
)
 Claimant-Petitioner)
)
 v.)
)
 CONSOLIDATION COAL COMPANY)
) 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 on Remand of Robert J. Shea,
Administrative Law Judge, United States Department of Labor.

C. Patrick Carrick (Manchin, Aloi & Carrick), Fairmont, West Virginia, for
claimant.

David J. Hardy (Jackson & Kelly), Charleston, West Virginia, for
employer.

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

PER CURIAM:

Claimant appeals the Decision and Order on Remand (81-BLA-4819) of
Administrative Law Judge Robert J. Shea 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 is on appeal before the

*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).

Board for the second time. Initially, Administrative Law Judge Rhea M. Burrow found that claimant established invocation of the interim presumption pursuant to 20 C.F.R. §727.203(a)(2). The administrative law judge then found that employer failed to rebut the presumption and, accordingly, benefits were awarded. On appeal, the Board vacated the administrative law judge's findings regarding rebuttal pursuant to 20 C.F.R. §727.203(b)(1), (b)(2), and (b)(4) and directed the administrative law judge, on remand, to reconsider the findings at 20 C.F.R. §727.203(b)(1) in light of the Board's decisions in Tobin v. Director, OWCP, 8 BLR 1-115 (1985) and Whisman v. Director, OWCP, 8 BLR 1-96 (1985), as well as to reconsider her findings at 20 C.F.R. §727.203(b)(2) and (b)(4). On remand, Administrative Law Judge Robert J. Shea reconsidered the evidence and determined that employer established rebuttal pursuant to 20 C.F.R. §727.203(b)(1), (b)(2), and (b)(4). Accordingly, benefits were denied. In the present appeal, claimant contends that the administrative law judge failed to comply with the standards established in Stapleton v. Westmoreland Coal Co., 785 F.2d 424, 8 BLR 2-109 (4th Cir. 1986), and generally contends that the findings of the administrative law judge are not supported by substantial evidence. Employer responds in support of the administrative law judge's Decision and Order. The Director, Office of Workers' Compensation Programs, 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).

Claimant contends that the administrative law judge failed to comply with the standards established in Stapleton, however Stapleton was overruled by the U.S. Supreme Court in Mullins Coal Co., Inc. of Virginia v. Director, OWCP, 484 U.S. 135, 108 S.Ct. 427, 11 BLR 2-1 (1987). As a result, claimant's contention of error is rejected. Furthermore, in the remainder of his brief, claimant simply states that the decision of the administrative law judge is not supported by substantial evidence, 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 findings that the evidence of record is sufficient to establish rebuttal of the interim presumption pursuant to 20 C.F.R. §727.203(b)(1), (b)(2), and (b)(4) are

affirmed.

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

SO ORDERED.

NANCY S. DOLDER
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

LEONARD N. LAWRENCE
Administrative Law Judge