

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

CHRISTOPHER JENNINGS,
Petitioner,

v.

No. 96-1753

DIRECTOR, OFFICE OF WORKERS'
COMPENSATION PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,
Respondent.

On Petition for Review of an Order
of the Benefits Review Board.
(96-0165-BLA)

Argued: May 8, 1997

Decided: July 2, 1997

Before HALL, WILKINS, and WILLIAMS, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

ARGUED: S.F. Raymond Smith, RUNDLE & RUNDLE, L.C.,
Pineville, West Virginia, for Petitioner. Dorothy L. Page, Office
of
the Solicitor, UNITED STATES DEPARTMENT OF LABOR,
Washington, D.C., for Respondent. **ON BRIEF:** J. Davitt McAteer,
Acting Solicitor of Labor, Donald S. Shire, Associate Solicitor,
Chris-
tian P. Barber, Counsel for Appellate Litigation, Eileen McCarthy,
Office of the Solicitor, UNITED STATES DEPARTMENT OF
LABOR, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Christopher Jennings petitions for review of an order of the Department of Labor's Benefits Review Board (BRB), which affirmed the decision of an administrative law judge (ALJ), denying Jennings' claim for benefits under the Black Lung Benefits Act, 30 U.S.C. § 901 et seq. Jennings asserts that the findings of the ALJ are not supported by substantial evidence and that this court should remand with instructions to award benefits. The Director, Office of Workers' Compensation Programs, urges us to refrain from considering the merits of Jennings' claim at this time. According to the Director, the ALJ's reasoning is not sufficiently explained to enable us to engage in meaningful review, and the current factual record may be inadequate for adjudication of the claim at all. Upon consideration of the briefs and arguments of the parties, we agree with the Director's view. The decision of the BRB is therefore vacated, and the claim is remanded with instructions that it be resubmitted to an ALJ for reconsideration.

VACATED AND REMANDED