

WILLIAM DEVANEY)	
)	
Claimant-Petitioner)	
)	
v.)	
)	
CERES MARINE TERMINALS, INCORPORATED)	DATE ISSUED: 04/15/2011
)	
Self-Insured)	ORDER on MOTION
Employer-Respondent)	for RECONSIDERATION

Claimant has filed a timely motion for reconsideration of the Board’s decision in this case, *Devaney v. Ceres Marine Terminals, Inc.*, BRB No. 10-0474 (Feb. 18, 2011), asserting that the Board erred in affirming the administrative law judge’s decision because the administrative law judge did not hold a hearing on remand and did not reconstruct the missing file prior to issuing a decision on remand. 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407. Employer responds, urging the Board to deny claimant’s motion.

Claimant did not raise these issues in his appeal of the administrative law judge’s April 20, 2010, Decision and Order and may not raise them for the first time in a motion for reconsideration. *Ravalli v. Pasha Maritime Services*, 36 BRBS 91 (2002). In any event, a new hearing is not required when the Board remands a case. *See Dionisopoulous v. Pete Pappas & Sons*, 16 BRBS 93 (1984). Moreover, the administrative law judge explained that she received the reconstructed file from OWCP in January 2010, and that, in March 2010, both parties submitted additional evidence in accordance with the administrative law judge’s January 29, 2010, order permitting them to do so.¹ Decision and Order on Remand at 2. As claimant has not demonstrated error in the Board’s decision affirming the administrative law judge’s Decision and Order on Remand, we deny his motion for reconsideration.

¹Claimant submitted copies of his income tax returns and they were admitted into the record. Decision and Order on Remand at 2.

Accordingly, claimant's motion for reconsideration is denied, and the Board's Decision and Order is affirmed. 20 C.F.R. §802.409.

SO ORDERED.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge