

JAMES D. ANDERSON)	
)	
Claimant-Petitioner)	
)	
v.)	
)	
SPACE MARK, INCORPORATED)	
)	
and)	
)	
AIG WORLDSOURCE)	DATE ISSUED: <u>Oct. 28, 2004</u>
)	
Employer/Carrier-)	
Respondents)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS,))	
UNITED STATES DEPARTMENT)	
OF LABOR)	ORDER on MOTION for
)	RECONSIDERATION and to
Party-in-Interest)	REOPEN the RECORD

After consideration of claimant's contentions and review of the Board's disposition of this case, no member of the panel has affirmatively voted to vacate or modify the decision herein. Accordingly, the motion for reconsideration filed by claimant is DENIED. 33 U.S.C. §921(b)(5); 20 C.F.R. §§802.407(a), 802.409. Claimant's additional request that the Board remand the case to the administrative law

judge to reopen the record is denied. 20 C.F.R. §802.301. If claimant possesses new evidence necessary to the adjudication of this claim, he may seek modification with the administrative law judge.¹ 33 U.S.C. §922; 20 C.F.R. §§702.373, 802.301(c).

By Order of the Board:

Thomas O. Shepherd, Jr.
Clerk of the Board

¹ No new evidence which is not part of the record developed at the hearing before the administrative law judge can be accepted nor considered by the Board. 33 U.S.C. §921(b)(3); 20 C.F.R. §802.301(b). Thus, the Board is hereby returning to claimant, without being considered by the Board, EX B to Claimant's Motion for Reconsideration and to Reopen the Record. *Id.*