

BRB No. 14-0302
OWCP No. 02-216807

BENJAMIN L. GARRETT)	
)	
Claimant-Respondent)	
)	
v.)	
)	
ITT CORPORATION)	
)	
and)	
)	
INSURANCE COMPANY OF THE STATE)	DATE ISSUED: <u>Oct. 20, 2014</u>
OF PENNSYLVANIA)	
)	
Employer/Carrier-)	
Petitioners)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Respondent)	ORDER

Employer appeals the Rehabilitation Plan and Award (Case No. 02-216807) of District Director R. Todd Bruininks rendered on a claim filed pursuant to the provisions of the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C. §901 *et seq.*, as extended by the Defense Base Act, 42 U.S.C. §1651 *et seq.* (the Act). Employer contends, *inter alia*, that the district director abused his discretion by approving the vocational rehabilitation plan without considering employer's timely opposition to the proposed plan. The Director, Office of Workers' Compensation Programs, acknowledging that the district director inadvertently failed to consider employer's timely-filed objections to the proposed vocational rehabilitation plan, has filed a motion to vacate the district director's Rehabilitation Plan and Award and remand the case to the district director for consideration of employer's objections to the plan. *See Meinert v. Fraser, Inc.*, 37 BRBS 164 (2003); *see also R.H. [Hopfner] v. Todd Pacific Shipyards, Inc.*, 43 BRBS 89 (2009); *Castro v. General Constr. Co.*, 37 BRBS 65 (2003), *aff'd*, 401 F.3d 963, 39 BRBS 13(CRT) (9th Cir. 2005), *cert. denied*, 546 U.S. 1130 (2006).

We grant the Director's motion and, accordingly, vacate the district director's Rehabilitation Plan and Award and remand the case to the district director for further consideration.¹

SO ORDERED.

BETTY JEAN HALL, Acting Chief
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

JUDITH S. BOGGS
Administrative Appeals Judge

¹ In view of our remand of the case to the district director, claimant's motions to supplement the record and to expedite review are moot.