

U.S. Department of Labor

Benefits Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



BRB No. 19-0168 BLA

LOWELL CHAPPELL)	
)	
Claimant-Respondent)	
)	
v.)	
)	
WHITAKER COAL CORPORATION,)	DATE ISSUED: 08/20/2020
Self-Insured by SUNCOKE ENERGY,)	
INCORPORATED)	
)	
Employer/Carrier-)	
Petitioners)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	ORDER on MOTION for
)	RECONSIDERATION
Party-in-Interest)	EN BANC

Employer has filed a timely motion for reconsideration en banc of the Benefits Review Board's decision in this case, *Chappell v. Whitaker Coal Corp.*, BRB No. 19-0168 BLA (April 28, 2020). 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407. No party has responded to Employer's motion.

After consideration of Employer's contentions, a majority of the Board has not voted to vacate or modify the Board's decision. Therefore, the Board denies Employer's motion for reconsideration en banc. 20 C.F.R. §§801.301(c), 802.409.

By Order of the Board:

Thomas O. Shepherd, Jr.
Clerk of the Appellate Boards