



BRB No. 20-0327 BLA

ROCKY A. JENKINS	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	
	)	
C & D SERVICES, INCORPORATED	)	
	)	
and	)	
	)	
AMERICAN RESOURCES COMPANY	)	DATE ISSUED: 11/30/2022
	)	
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 and Order in this case, *Jenkins v. C & D Servs., Inc.*, BRB No. 20-0327 BLA (Aug. 31, 2021) (unpub.), affirming the award of benefits. 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407(a). After consideration of Employer’s contentions and review of the Board’s disposition of this case, a majority of the Board’s permanent members did not vote to grant Employer’s motion. Therefore, Employer’s motion for reconsideration en banc is denied. 20 C.F.R. §§801.301(b), (c), 802.407(b), (d), 802.409.

By Order of the Board:

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