



BRB No. 20-0484 BLA

KATHY LUTHER)	
(o/b/o JOSEPH T. LUTHER))	
)	
Claimant-Respondent)	
)	
v.)	
)	
EASTOVER MINING COMPANY)	DATE ISSUED: 9/28/2022
)	
Employer-Petitioner)	
)	
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 with a request for oral argument of the Benefits Review Board’s decision in *Luther v. Eastover Mining Co.*, BRB No. 20-0484 BLA (Jan. 31, 2022) (unpub.) (Boggs, C.J., concurring and dissenting), affirming the award of benefits. 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407. Claimant and the Director, Office of Worker’ Compensation Programs, respond in opposition to Employer’s motion.

After consideration of Employer’s contentions and review of the Board’s disposition of this case, a majority of the Board has not voted in favor of reconsideration or oral argument. Consequently, Employer’s motion for reconsideration en banc and request for oral argument is denied. 20 C.F.R. §§802.301(b), (c), 802.407(b), (d), 802.409.

By Order of the Board:

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