



BRB No. 24-0270
OALJ Case No. 2022-LDA-01764
OWCP No. LS-06315750

REGINALD BELLE)
)
 Claimant-Petitioner)
)
 v.)
)
 FLUOR CONOPS)
)
 and)
)
 INSURANCE COMPANY OF THE STATE)
 OF PENNSYLVANIA)
)
 Employer/Carrier-)
 Respondents)

NOT-PUBLISHED

DATE ISSUED: 02/18/2026

ORDER

On April 18, 2024, Claimant, without representation, filed an appeal of Administrative Law Judge (ALJ) Patrick M. Rosenow’s Order for Conference Call, dated April 17, 2024, and Order on Motions for Reconsideration, dated April 18, 2024 (2022-LDA-01764). 33 U.S.C. §921(a); 20 C.F.R. §§802.201, 802.205(a). Claimant’s appeal was assigned the Benefits Review Board’s docket number 24-0270.¹ 20 C.F.R. §802.210. Employer has not filed a response to Claimant’s appeal. A review of the pertinent facts follows.

Claimant filed a claim under the Longshore and Harbor Workers’ Compensation Act, as amended, 33 U.S.C. §§901-950, as extended by the Defense Base Act, 42 U.S.C. §§1651-1655, seeking benefits for alleged psychological injuries he sustained while working for Employer in Afghanistan on November 12, 2016. His claim was referred to

¹ Claimant identified the order on appeal as a “decision and order.” Cl. Notice of Appeal. Rather, the order Claimant challenges is an interlocutory order.

the Office of Administrative Law Judges (OALJ), and the ALJ held a formal evidentiary hearing on July 24, 2023. Post-hearing briefing concluded on November 11, 2023.

On March 4, 2024, Claimant filed a new Form LS-18 (Pre-Hearing Statement) with the Office of Workers' Compensation Programs (OWCP), seeking referral for a formal hearing under the same OWCP claim number. The issues listed were: (1) compensation modification based on a change in economic condition; (2) permanent partial disability; (3) violation of Section 48(a) and discrimination; and (4) "other and additional issues which are discovered or arise during discovery or otherwise before this matter goes to hearing."

Employer received notice from the OWCP that the claim had been referred for formal hearing, and on April 10, 2024, it filed a motion with the ALJ requesting a conference call to discuss whether the record should be reopened based on Claimant's new Form LS-18. Claimant filed a motion for expedited proceedings on April 12, 2024, his objections to Employer's motion for a conference call on April 13, 2023, and a motion seeking an order prohibiting Employer's counsel from "speaking, interpreting, or articulating" on his behalf on April 15, 2024.

On April 17, 2024, the ALJ issued an order granting Employer's motion for a conference call and denying both of Claimant's motions. He determined Claimant "raised no compelling circumstances that would justify accelerating the adjudication of his case in front of other claimants who in some instances have waited far longer" and found no evidence that Employer's counsel was "speaking, interpreting, or articulating" on Claimant's behalf. ALJ Order for Conf. at 2. Given his finding that Claimant's new Form LS-18 "clearly raises at least one potential significant new issue, and perhaps more," the ALJ concluded the most "efficient way" to determine whether the record needed to be reopened was to conduct a conference call to allow Claimant to "clarif[y] his intentions." *Id.* That same day, Claimant moved for reconsideration of the ALJ's order for a conference call and denial of his two motions.² Employer filed a response, opposing Claimant's motions.

On April 18, 2024, the ALJ issued an order denying Claimant's motions for reconsideration and confirming his initial order for a conference call remained in effect. Order Denying M/Recons. Claimant appealed the ALJ's orders to the Board that same day.³

² In each of his filings, Claimant expressed his intent to appeal should his motion for reconsideration be denied.

³ The day after filing his appeal, Claimant filed a motion with the ALJ seeking remand of his new LS-18. Employer opposed the motion, contending remand is inappropriate because it would subject Employer to parallel proceedings before both the

Claimant appeals non-final, or interlocutory, orders which neither award nor deny benefits. *See* 33 U.S.C. §919(c). The Board generally does not undertake review of a non-final order. *See, e.g., Newton v. P & O Ports La., Inc.*, 38 BRBS 23, 24 (2004); *Butler v. Ingalls Shipbuilding, Inc.*, 28 BRBS 114, 117 (1994). The Board will undertake interlocutory review only if the non-final order conclusively determines a disputed question, resolves an important issue which is completely separate from the merits of the action, and is effectively unreviewable on appeal from a final judgment. *Gulfstream Aerospace Corp. v. Mayacamas Corp.*, 485 U.S. 271, 276 (1988) (“collateral order doctrine”); *Zaradnik v. The Dutra Group, Inc.*, 52 BRBS 23, 24 (2018). If the order at issue fails to satisfy any one of these requirements, the Board nonetheless may, in its discretion, decide the appeal if necessary to direct the course of the adjudicatory process or if a party has been denied due process of law. 33 U.S.C. §923(a) (Board is not bound by formal rules of procedure); *Pensado v. L-3 Commc’ns Corp.*, 48 BRBS 37, 37 (2014); *Baroumes v. Eagle Marine Servs.*, 23 BRBS 80, 82 (1989).

The ALJ’s order for a conference call and order denying Claimant’s motions for reconsideration neither conclusively determine a disputed question, resolve an issue separate from the merits of the case, nor are unreviewable after a final decision is issued. *Newton*, 38 BRBS at 25; *Butler*, 28 BRBS 114. Moreover, the Board need not direct the course of the adjudicatory process, as the ALJ is afforded wide discretion in that regard and has been actively trying to advance the proceedings in this case. 33 U.S.C. §§919(c)-(d), 923(a), 927; 5 U.S.C. §556(c); *Newton*, 38 BRBS at 25; 20 C.F.R. §§702.338-702.339.

Accordingly, we dismiss Claimant’s appeal and remand the case to the ALJ for his continuing proceedings. Any party aggrieved by the ALJ’s final decision awarding or

OWCP and OALJ on the same claim, and because it was unclear whether the ALJ had jurisdiction to adjudicate the motion given Claimant’s pending interlocutory appeal before the Board. On April 29, 2024, the ALJ issued a Bench Memorandum on Claimant’s Interlocutory Appeal. He determined he had no authority to decide the motion for remand or take any action in the case. He therefore held the case in abeyance while Claimant’s appeal remained pending before the Board.

denying benefits may file an appeal with the Board within 30 days of the date the decision is filed by the district director. 33 U.S.C. §921(a), (b); 20 C.F.R. §802.205.

SO ORDERED.

JONATHAN ROLFE
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge

GLENN E. ULMER
Administrative Appeals Judge