

U.S. Department of Labor

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



BRB No. 21-0259
OWCP No. 15-045509

WILLIAM B. KEALOHA)	
)	
Claimant-Respondent)	
)	
v.)	
)	
LEEWARD MARINE, INCORPORATED)	
)	
and)	
)	
HAWAII EMPLOYERS' MUTUAL)	DATE ISSUED: 03/25/2021
INSURANCE COMPANY,)	
INCORPORATED)	
)	
Employer/Carrier-)	
Petitioners)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Party-in-Interest)	ORDER

On February 12, 2021, Employer/Carrier (Employer) filed a notice of appeal of District Director Todd Bruininks's Supplemental Compensation Order - Declaration of Default filed January 15, 2021, and the Errata Order filed January 29, 2021. 33 U.S.C. §921(a); 20 C.F.R. §802.205. We acknowledge this appeal and assign it the Board's docket number 21-0259. 20 C.F.R. §802.210.

Employer/Carrier's notice of appeal states it filed a second motion for reconsideration on February 3, 2021, which has not been acted on. The regulation at 20 C.F.R. §802.206(f) requires that the Board dismiss as premature any appeal filed in a case in which a timely motion for reconsideration has been filed with the district director or

administrative law judge.¹ *See Aetna Casualty & Surety Co. v. Director, OWCP*, 97 F.3d 815, 30 BRBS 81(CRT) (5th Cir. 1996). If any party is aggrieved by the district director's original order or his order on reconsideration, any new appeal must be filed with the Board within 30 days of the filing date of the order on second reconsideration. 20 C.F.R. §§802.205, 802.206(d)-(f).

Accordingly, Employer's appeal is dismissed.

SO ORDERED.

GREG J. BUZZARD
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge

DANIEL T. GRESH
Administrative Appeals Judge

¹ Section 802.206(f) states:

If a timely motion for reconsideration of a decision or order of an administrative law judge or [district director] is filed, any appeal to the Board, whether filed prior to or subsequent to the filing of the timely motion for reconsideration, shall be dismissed without prejudice as premature. Following decision by the administrative law judge or [district director] pursuant to either paragraph (d) or (e) of this section, a new notice of appeal shall be filed with the Clerk of the Board by any party who wishes to appeal.