

BRB No. 10-0661 BLA  
Case No. 2009-BLA-5498

GENEVA SIMPSON )  
(Widow of FLOYD SIMPSON) )  
 )  
Claimant-Respondent )  
 )  
v. )  
 )  
GABRIEL MINING COMPANY ) DATE ISSUED: 02/08/2012  
 )  
and )  
 )  
KENTUCKY COAL PRODUCERS' )  
SELF-INSURANCE FUND )  
 )  
Employer/Carrier- )  
Petitioners )  
 )  
DIRECTOR, OFFICE OF WORKERS' )  
COMPENSATION PROGRAMS, UNITED )  
STATES DEPARTMENT OF LABOR )  
 )  
Party-in-Interest ) ORDER on  
 ) RECONSIDERATION

As no member of the panel has affirmatively voted to vacate or modify the decision herein, the motion for reconsideration filed by employer is DENIED.<sup>1</sup> 33 U.S.C. §921(b)(5); 20 C.F.R. §§801.301(b), 802.407(a), 802.409.<sup>2</sup>

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<sup>1</sup> As a majority of the permanent Board members has denied reconsideration, employer's request for reconsideration *en banc* is also denied. 20 C.F.R. §801.301(c).

<sup>2</sup> We also reject employer's request that this case be held in abeyance pending resolution of the legal challenge to Section 1556 of the Patient Protection and Affordable Care Act, Public Law No. 111-148 (2010). *See Mathews v. United Pocahontas Coal Co.*, 24 BLR 1-193, 1-198-200 (2010).

By Order of the Board:

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Thomas O. Shepherd, Jr.  
Clerk of the Board