BRB No. 10-0474

WILLIAM DEVANEY   )
)
            Claimant-Petitioner   )
)
      v.   )
)
CERES MARINE TERMINALS,   )   DATE ISSUED: 04/15/2011
INCORPORATED   )
)
            Self-Insured   )   ORDER on MOTION
            Employer-Respondent   )   for RECONSIDERATION

       Claimant has filed a timely motion for reconsideration of the Board's decision in
this case, *Devaney v. Ceres Marine Terminals, Inc.*, BRB No. 10-0474 (Feb. 18, 2011),
asserting that the Board erred in affirming the administrative law judge's decision
because the administrative law judge did not hold a hearing on remand and did not
reconstruct the missing file prior to issuing a decision on remand. 33 U.S.C. §921(b)(5);
20 C.F.R. §802.407. Employer responds, urging the Board to deny claimant's motion.

       Claimant did not raise these issues in his appeal of the administrative law judge's
April 20, 2010, Decision and Order and may not raise them for the first time in a motion
for reconsideration. *Ravalli v. Pasha Maritime Services*, 36 BRBS 91 (2002). In any
event, a new hearing is not required when the Board remands a case. *See Dionisopoulous
v. Pete Pappas & Sons,* 16 BRBS 93 (1984). Moreover, the administrative law judge
explained that she received the reconstructed file from OWCP in January 2010, and that,
in March 2010, both parties submitted additional evidence in accordance with the
administrative law judge's January 29, 2010, order permitting them to do so.[1] Decision
and Order on Remand at 2. As claimant has not demonstrated error in the Board's
decision affirming the administrative law judge's Decision and Order on Remand, we
deny his motion for reconsideration.

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       [1]Claimant submitted copies of his income tax returns and they were admitted into
the record. Decision and Order on Remand at 2.

Accordingly, claimant's motion for reconsideration is denied, and the Board's Decision and Order is affirmed. 20 C.F.R. §802.409.

SO ORDERED.

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NANCY S. DOLDER, Chief
Administrative Appeals Judge

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ROY P. SMITH
Administrative Appeals Judge

_____
BETTY JEAN HALL
Administrative Appeals Judge