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| FRED EDWIN BUSSE II |) | |
| |) | |
| Claimant-Petitioner |) | |
| |) | |
| v. |) | |
| |) | |
| SERVICE EMPLOYERS |) | |
| INTERNATIONAL, INCORPORATED |) | DATE ISSUED: 12/17/2009 |
| |) | |
| and |) | |
| |) | |
| INSURANCE COMPANY OF THE STATE |) | |
| OF PENNSYLVANIA |) | |
| |) | ORDER |
| Employer/Carrier-Respondent |) | |

Claimant has filed a timely motion for reconsideration of the Board’s Decision and Order in *F.B. v. Service Employers Int’l, Inc.*, BRB No. 09-0169 (Sept. 15, 2009) (unpub.). 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407. Claimant seeks modification of the Board’s Decision and Order, alleging an oversight or transposition of the dates for which he is entitled to compensation for temporary total disability. Employer has not responded to this motion.

Employer voluntarily paid claimant temporary total disability benefits from July 28, 2007 to October 23, 2007. The administrative law judge awarded claimant additional temporary total disability benefits from October 24, 2007 to April 1, 2008. He found that claimant’s average weekly wage was higher than that utilized by employer, but the administrative law judge did not award benefits for the period prior to October 24, 2008 at the higher wage. In its decision, the Board modified the administrative law judge’s award to reflect claimant’s entitlement to temporary total disability benefits from July 28, 2007, to April 1, 2008, based on an average weekly wage of \$1,916.73, subject to employer’s credit for benefits paid and to the maximum compensation rate in effect in July 2007, the date claimant’s disability commenced. The Board remanded the case for the administrative law judge to make findings on Section 14(e), 33 U.S.C. §914(e), issues raised by both parties. In his motion for reconsideration, claimant contends the Board

erred in failing to modify the administrative law judge's decision to award temporary total disability compensation from July 15, 2007, the date of claimant's injury.¹

Although claimant first sought medical attention on July 15, 2007, the medic returned him to duty and he was sent out on at least one additional mission. HT at 45-46. The issue of claimant's disability in the period between July 15 to July 28, 2007, the date he returned to the United States for further treatment, requires factual determinations which must be made by the administrative law judge. On remand, therefore, the administrative law judge should make determinations as to the date claimant's disability commenced and award additional compensation, if appropriate.

Accordingly, claimant's motion for reconsideration is granted. 20 C.F.R. §802.409. The case is remanded for findings consistent with this decision. In all other respects, the Board's Decision and Order is affirmed.

SO ORDERED.

ROY P. SMITH
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge

¹ Claimant, a recovery mechanic, contracted leishmaniasis from the bite of a sand fly while working in Iraq in July 2007.