

JASON Y. TERUYA)	
)	
Claimant-Petitioner)	
)	
v.)	
)	
BAE SYSTEMS/CORROSION)	
ENGINEERING)	
)	
and)	
)	
SIGNAL MUTUAL INDEMNITY)	DATE ISSUED: 02/27/2012
ASSOCIATION)	
)	
Employer/Carrier-)	
Respondents)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS,)	
UNITED STATES DEPARTMENT)	
OF LABOR)	
)	
Party-in-Interest)	ORDER on MOTION
)	for RECONSIDERATION

Claimant, without legal representation, has filed a motion for reconsideration of the Board's decision in this case, *Teruya v. BAE Systems/Corrosion Engineering*, BRB No. 11-0277 (Nov. 30, 2011). 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407. Employer responds with a motion to dismiss claimant's motion or, alternatively, to strike the attachments to claimant's motion. The Board's decision remands the case to the administrative law judge to address a number of the issues raised by claimant in his motion for reconsideration.¹ Claimant's additional contentions are without merit.

¹Specifically, the Board remanded the case for the administrative law judge to address evidence indicating claimant's injury may have affected his ability to work as of September 26, 2005, and, thus, to consider whether claimant may be entitled to additional temporary disability benefits prior to February 9, 2006. The Board also instructed the administrative law judge to address claimant's loss of wage-earning capacity by adjusting his calculations to account for inflationary effects, to address whether claimant is entitled

Therefore, as claimant has not demonstrated error in the Board's decision, we deny his motion for reconsideration.

Accordingly, claimant's motion for reconsideration is denied, and the Board's Decision and Order is affirmed.² 33 U.S.C. §921(b)(5); 20 C.F.R. §§801.301(b), (c), 802.409.

SO ORDERED.

ROY P. SMITH
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge

JUDITH S. BOGGS
Administrative Appeals Judge

to an additional assessment pursuant to Section 14(e) of the Act, 33 U.S.C. §914(e), and to determine if any of his findings on remand affect the liability of the Special Fund or employer's reimbursement therefrom.

²In light of our decision herein, employer's motions to dismiss and/or to strike are moot. Further, claimant indicated to the district director, as well as to the Board in his brief, that he intends to file a motion for modification of the award. *See* 33 U.S.C. §922. This issue may be raised before the administrative law judge on remand. *L.H. [Henderson] v. Kiewit Shea*, 42 BRBS 25 (2008).