



BRB No. 17-0103

LUIS PEÑA GARCIA)	
)	
Claimant-Petitioner)	
)	
v.)	
)	
CALZADILLA CONSTRUCTION)	DATE ISSUED: <u>Jan. 16, 2018</u>
CORPORATION)	
)	
and)	
)	
IMS INSURANCE COMPANY OF)	
PUERTO RICO)	
)	
Employer/Carrier-)	ORDER on MOTION for
Respondents)	RECONSIDERATION

Claimant has filed a motion for reconsideration of the Board’s decision in *Garcia v. Calzadilla Constr. Corp.*, BRB No. 17-0103 (Sept. 13, 2017). 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407. Employer has not responded.

In his motion, claimant contends that his right to receive treatment from a physician of his choice in New York constitutes a “successful prosecution” of the claim entitling his attorney to an attorney’s fee payable by employer under Section 28(b), 33 U.S.C. §928(b). The Board fully addressed and rejected this contention in its decision. *Garcia*, slip op. at 4-5. Claimant has not demonstrated a basis for reconsideration of this issue. Therefore, we deny claimant’s motion for reconsideration.

Accordingly, claimant's motion for reconsideration is denied. 20 C.F.R. §802.409. The Board's decision is affirmed.

SO ORDERED.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

JUDITH S. BOGGS
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge