



BRB No. 17-0094  
Case No. 2014-LHC-00126  
OWCP No. 07-192961

JESSE COOLEY, JR.	)	
	)	
Claimant-Petitioner	)	
	)	
v.	)	
	)	
HUNTINGTON INGALLS,	)	DATE ISSUED: <u>Sept. 28, 2017</u>
INCORPORATED - PASCAGOULA	)	
OPERATIONS	)	
	)	
Self-Insured	)	
Employer-Respondent	)	ORDER

On September 19, 2017, the Board received a letter from claimant, who is not represented by counsel, followed by a motion for reconsideration on September 22, 2017. We construe both documents as a timely motion for reconsideration of the Board’s August 30, 2017 Decision and Order, in which the Board affirmed the administrative law judge’s decision denying benefits. *Cooley v. Huntington Ingalls, Inc. – Pascagoula Operations*, BRB No. 17-0094 (Aug. 30, 2017); 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407.

Claimant is advised that the Board fully considered the letters he wrote to the Board in support of his appeal and reviewed all the testimony and evidence admitted into the record at the formal hearing. The Board is prohibited by law from considering evidence that was not presented to the administrative law judge. 33 U.S.C. §921(b)(3); 20 C.F.R. §802.301(a), (b). Therefore, the Board cannot contact claimant’s social worker or Dr. White.

The Board must affirm the administrative law judge’s findings of fact and conclusions of law if they are supported by substantial evidence in the record.<sup>1</sup> As explained in the Board’s decision, the administrative law judge’s finding that claimant

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<sup>1</sup> “Substantial evidence” is evidence that “a reasonable mind might accept as adequate to support a conclusion.” *See Ingalls Shipbuilding, Inc. v. Director, OWCP [Baker]*, 991 F.2d 163, 27 BRBS 14(CRT) (5th Cir. 1993).

does not have asbestosis or any asbestos-related lung disease is supported by the opinion of Dr. Epler. The administrative law judge rationally gave greatest weight to Dr. Epler's opinion. Therefore, the Board affirmed the denial of benefits because claimant did not establish he has a work-related condition. Upon reviewing the Board's decision, we find there is no basis for granting reconsideration of this decision.

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

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BETTY JEAN HALL, Chief  
Administrative Appeals Judge

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GREG J. BUZZARD  
Administrative Appeals Judge

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RYAN GILLIGAN  
Administrative Appeals Judge