



BRB No. 15-0148A
Case No. 2010-LHC-01263
OWCP No. 07-185692

JOSEPH MEEKS)	
)	
Claimant-)	
Cross-Petitioner)	
)	
v.)	
)	DATE ISSUED: <u>Apr. 15, 2015</u>
BIS SALAMIS, INCORPORATED)	
)	
and)	
)	
SIGNAL MUTUAL INDEMNITY)	
ASSOCIATION)	
)	
Employer/Carrier-)	
Cross-Respondents)	ORDER

The Board acknowledges receipt of claimant’s timely Notice of Appeal of the administrative law judge’s Decision and Order on Second Remand filed February 26, 2015. 33 U.S.C. §921(a); 20 C.F.R. §802.205. Claimant’s appeal is assigned the Board’s docket number, BRB No. 15-0148A.¹ All correspondence relating to this appeal must bear this number. Employer has filed a motion to dismiss claimant’s appeal. Employer contends that the only issue before the administrative law judge on remand was claimant’s average weekly wage. As this issue was resolved by stipulation of the parties, employer contends there was no issue decided adversely to claimant.

¹ In an Order dated February 12, 2015, the Board acknowledged employer’s appeal of the administrative law judge’s Decision and Order on Second Remand, denied employer’s motion for a stay of payments, and declined to revisit the issues adverse to employer that the Board previously decided, based on the law of the case doctrine. *Meeks v. Bis Salamis, Inc.*, BRB No. 15-0148 (Feb. 12, 2015) (Boggs, J., concurring).

In its most recent Decision and Order in this case, the Board remanded the case to the administrative law judge for a determination regarding claimant's average weekly wage. *Meeks v. Bis Salamis, Inc.*, BRB No. 13-0478 (July 28, 2014) (Boggs, J., dissenting). On remand, the administrative law judge found claimant's average weekly wage to be \$866.92, a figure to which the parties agreed. As the parties stipulated before the administrative law judge to claimant's average weekly wage, the issue of the calculation of claimant's average weekly wage is not subject to review by the Board.² *Brown v. Maryland Shipbuilding & Drydock Co.*, 18 BRBS 104 (1986); *see also Simonds v. Pittman Mechanical Contractors, Inc.*, 27 BRBS 120 (1993), *aff'd sub nom. Pittman Mechanical Contractors, Inc. v. Director, OWCP*, 35 F.3d 122, 28 BRBS 89(CRT) (4th Cir. 1994). Moreover, as we stated in the February 12, 2015, Order, the Board's disposition of the other issues in this case constitutes the "law of the case" and will not be revisited. *See, e.g., Boone v. Newport News Shipbuilding & Dry Dock Co.*, 37 BRBS 1 (2003). Thus, as there are no issues in this case presently subject to Board review, we grant employer's motion and dismiss claimant's appeal.

Accordingly, claimant's appeal is dismissed, and the administrative law judge's Decision and Order on Second Remand is affirmed.

SO ORDERED.

² Indeed, the administrative law judge stated that employer accepted claimant's calculation of his average weekly wage. Decision and Order on Second Remand at 8.

BETTY JEAN HALL, Acting Chief
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

JUDITH S. BOGGS
Administrative Appeals Judge