



BRB No. 20-0115 BLA
Case No. 2018-BLA-05969

RUTLAND MELTON)	
)	
Claimant-Respondent)	
)	
v.)	
)	
APOGEE COAL COMPANY,)	DATE ISSUED: 02/06/2023
INCORPORATED)	
)	
and)	
)	
Self-Insured through ARCH COAL,)	
INCORPORATED)	
)	
Employer/Carrier-)	
Petitioners)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	ORDER on
)	RECONSIDERATION
Party-in-Interest)	EN BANC

Employer and its Carrier have filed a timely motion for reconsideration en banc of the Benefits Review Board’s Decision and Order in this case, *Melton v. Apogee Coal Co.*, BRB No. 20-0115 BLA (Aug. 30, 2022) (unpub.), affirming the ALJ’s award of benefits. 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407(b). The Director, Office of Workers’ Compensation Programs (the Director), opposes Employer’s motion; Employer has replied to the Director.

After consideration of Employer’s contentions and review of the Board’s disposition of this case, a majority of the Board’s permanent members did not vote to grant

reconsideration. Therefore, Employer's motion for reconsideration en banc is denied. 20
C.F.R. §§801.301(c), 802.407(a), (d), 802.409.

By Order of the Board:

Thomas O. Shepherd, Jr.
Clerk of the Appellate Boards