

U.S. Department of Labor

Benefits Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



BRB No. 19-0400

PHETNAKHONSY BOUAPHA)	
)	
Claimant-Petitioner)	
)	
v.)	
)	
DELTA MARINE INDUSTRIES)	
)	DATE ISSUED: 07/07/2020
and)	
)	
AMERICAN LONGSHORE MUTUAL)	
ASSOCIATION, LIMITED)	
)	
Employer/Carrier-)	ORDER on
Respondents)	RECONSIDERATION

Claimant has filed a timely motion for reconsideration of the Board’s decision in this case, *Bouapha v. Delta Marine Industries.*, BRB No. 19-0400 (Jun. 12, 2020) (unpub). 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407. Employer has not responded.

Claimant is appearing without representation by counsel. In his motion, Claimant states he has not received compensation for his work-related back injury. In his decision, the administrative law judge determined Claimant is entitled to medical benefits for treatment he received for his upper back/shoulder work injury during the period from May 22, 2013 to November 19, 2013. However, the administrative law judge found Claimant did not submit any records to establish the cost of this treatment. Claimant must provide Employer with documentation of his covered medical expenses in order to either receive reimbursement or to have Employer directly pay the medical provider.

The administrative law judge found Claimant is not entitled to disability compensation because he did not sustain a loss of wage-earning capacity due to his work-related back injury. The Board affirmed this determination as it is supported by substantial

evidence in the record.¹ After consideration of Claimant's contentions, we find no basis to modify the Board's decision. Therefore, we deny Claimant's motion for reconsideration. C.F.R. §802.409.

SO ORDERED.

JUDITH S. BOGGS, Chief
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge

DANIEL T. GRESH
Administrative Appeals Judge

¹ As the Board's decision states, if claimant has evidence that establishes a change in his condition or a mistake of fact, he may file a request for modification with the district director. 33 U.S.C. §922; 20 C.F.R. §702.373. Claimant may also appeal the Board's decision and this order on reconsideration. An appeal must be filed with the appropriate circuit court of appeals within 60 days of the date this order is filed by the Clerk of the Board. 33 U.S.C. §921(c); 20 C.F.R. §802.406.