

BRB No. 10-0646 BLA
Case No. 2009-BLA-5107

BLUE JEAN ENGLE)	
(Widow of WILLIAM ENGLE))	
)	
Claimant-Respondent)	
)	
v.)	
)	
WHITAKER COAL CORPORATION)	DATE ISSUED: 12/21/2011
)	
Employer-Petitioner)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	ORDER ON
Party-in-Interest)	RECONSIDERATION

As no member of the panel has affirmatively voted to vacate or modify the decision herein, the motion for reconsideration filed by employer is DENIED.¹ 33 U.S.C. §921(b)(5); 20 C.F.R. §§801.301(b), 802.407(a), 802.409.²

By Order of the Board:

Thomas O. Shepherd, Jr.
Clerk of the Board

¹ As a majority of the permanent Board members has denied reconsideration, employer's request for reconsideration *en banc* is also denied. 20 C.F.R. §801.301(c).

² We also deny employer's request that reconsideration of the Board's decision in this case be held in abeyance pending resolution of the legal challenge to Public Law No. 111-148. See *Mathews v. United Pocahontas Coal Co.*, 24 BLR 1-193, 1-198-200 (2010).