

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 18-60020  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

August 3, 2018

Lyle W. Cayce  
Clerk

JESSE COOLEY, JR.,

Petitioner

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS,  
UNITED STATES DEPARTMENT OF LABOR; HUNTINGTON INGALLS,  
INCORPORATED - PASCAGOULA OPERATIONS,

Respondents

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Petition for Review of an Order of the  
Benefits Review Board  
BRB No. 17-0094

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Before KING, SOUTHWICK, and ENGELHARDT, Circuit Judges.

PER CURIAM:\*

Jesse Cooley Jr. filed a claim against Huntington Ingalls Incorporated under the Longshore and Harbor Workers' Compensation Act. *See* 33 U.S.C. § 901 *et seq.* Cooley alleged that he contracted a permanently disabling lung disease due to prolonged exposure to asbestos while working for Huntington.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 18-60020

The administrative law judge (“ALJ”) denied Cooley’s claim after considering conflicting medical opinions of whether Cooley actually suffered from asbestosis or an asbestos-related lung condition. The Benefits Review Board (“BRB”) affirmed the ALJ’s denial of Cooley’s claim. Cooley petitioned to this court for review of the decision.

“[O]nce the BRB affirms an order of the ALJ, we need only inquire whether the BRB ‘correctly concluded that the ALJ’s order was supported by substantial evidence on the record as a whole and is in accordance with the law.’” *Louisiana Ins. Guar. Ass’n v. Dir., OWCP*, 614 F.3d 179, 185 (5th Cir. 2010) (quoting *Ingalls Shipbuilding, Inc. v. Dir., OWCP*, 991 F.2d 163, 165 (5th Cir. 1993)). Cooley argues that the ALJ lacked sufficient evidence to deny his claim and should have relied on the evidence that he does suffer from asbestosis. Construing Cooley’s pro se brief liberally, he nonetheless fails to demonstrate that the ALJ erroneously relied on the opposing medical opinions. The BRB therefore did not err when it concluded that the ALJ’s conclusion was supported by substantial evidence.

We DENY the petition for review. Cooley’s motion for appointment of counsel is also DENIED.