

United States Court of Appeals For the First Circuit

No. 14-1742

BATTELLE MEMORIAL INSTITUTE, and
VIGILANT INSURANCE COMPANY,

Petitioners,

v.

SANDRA DICECCA, and
DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS,
UNITED STATES DEPARTMENT OF LABOR,

Respondents.

ERRATA SHEET

The opinion of this Court issued on July 6, 2015 is amended as follows:

On page 5, replace the first full sentence on the page with

The petition for our review followed.

In footnote 1, which starts on page 15, replace the first full paragraph found on page 16 with

For its part, the brief submitted by the Director, Office of Workers' Compensation Programs, U.S. Department of Labor, takes the position that this case presents a question of law and thus this court should approve the agency's rule that injuries arising out of reasonable and foreseeable activities are always covered by the DBA. But, although we have engaged in totality of circumstances review, it is really unnecessary to accept either the agency's general rule as a distillation of totality of circumstances cases or the Director's approach as subject to Skidmore deference. We simply have no need to resolve these questions.