

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-1097

JOHN C. THOMAS,

Petitioner,

v.

GENERAL SHIP REPAIR CORPORATION; DIRECTOR, OFFICE OF
WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF
LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board
(BRB-1: 13-0286).

Submitted: October 31, 2014

Decided: November 7, 2014

Before KEENAN and WYNN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Neil R. Lebowitz, LAW OFFICE OF NEIL R. LEBOWITZ, LLC, Columbia,
Maryland, for Petitioner. Eric Hemmendinger, SHAWE & ROSENTHAL,
LLP, Baltimore, Maryland; Sarah Marie Hurley, Mark A.
Reinhalter, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.,
for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John C. Thomas seeks review of the decision and order of the Benefits Review Board ("BRB") affirming the decision of the Administrative Law Judge ("ALJ") dismissing his discrimination claim under 33 U.S.C. § 948a (2012). We deny the petition for review.

"We review the BRB's decision to assess whether substantial evidence supports the factual findings of the ALJ and whether the legal conclusions of the BRB and ALJ are rational and consistent with applicable law." Sidwell v. Va. Int'l Terminals, Inc., 372 F.3d 238, 241 (4th Cir. 2004). The BRB's legal conclusions are reviewed de novo, with no deference to the BRB's interpretation of the Longshore and Harbor Workers' Compensation Act ("LHWCA") provisions. Id. However, "our review of the ALJ's factual findings is . . . limited to ascertaining whether the ALJ relied on evidence that a reasonable mind might accept as adequate to support its conclusions." Id. We defer to the ALJ's "inferences and credibility assessments." Newport News Shipbuilding & Dry Dock Co. v. Tann, 841 F.2d 540, 543 (4th Cir. 1988); see Shively v. Heckler, 739 F.2d 987, 989 (4th Cir. 1984) (deferring to ALJ because "he had the opportunity to observe the demeanor and to determine the credibility of the claimant").

Our review of the record discloses that the BRB's decision is based upon substantial evidence and is without reversible error. Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED