

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1985

TERRY D. REESE, SR.,

Petitioner,

v.

VIRGINIA INTERNATIONAL TERMINALS, LLC; SIGNAL MUTUAL INDEMNITY ASSOCIATION, LIMITED; CP&O, LLC; PORTS INSURANCE COMPANY, INCORPORATED; DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondents.

No. 22-1275

TERRY D. REESE, SR.,

Petitioner,

v.

VIRGINIA INTERNATIONAL TERMINALS, LLC; SIGNAL MUTUAL INDEMNITY ASSOCIATION, LIMITED; CP&O, LLC; PORTS INSURANCE COMPANY, INCORPORATED; DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondents.

On Petitions for Review of Orders of the Benefits Review Board. (21-0100)

Submitted: December 30, 2022

Decided: February 1, 2023

Before WYNN and DIAZ, Circuit Judges, and FLOYD, Senior Circuit Judge.

Petitions dismissed by unpublished per curiam opinion.

Terry D. Reese, Sr., Petitioner Pro Se. William M. Bush, Mark A. Reinhalter, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.; Frank Nash Bilisoly, WOODS ROGERS VANDEVENTER BLACK, Norfolk, Virginia; Christopher R. Hedrick, MASON, MASON, WALKER & HEDRICK, PC, Newport News, Virginia, for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Terry D. Reese, Sr., petitions for review of the June 30, 2021, order and the October 29, 2021, order of the Benefits Review Board (Board) denying reconsideration. On April 28, 2021, the Board affirmed the Administrative Law Judge's (ALJ) decision and order granting the Respondents' motions for summary disposition. On May 14, 2021, Reese timely moved for reconsideration. On June 30, 2021, the Board denied reconsideration and affirmed the prior Board decision. On August 4, 2021, Reese filed a second motion for reconsideration. Reese's pro se petition for review was received by this Court on September 7, 2021, seeking review of the Board's June 30, 2021, decision denying reconsideration. (No. 21-1985). On October 29, 2021, the Board denied Reese's second motion for reconsideration without modification. Reese timely petitioned for review. (No. 22-1275).

At the outset, we note that Reese did not petition for review of the Board's April 28, 2021, order dismissing his appeal from the ALJ's decision. We therefore lack jurisdiction to review that order. We also lack jurisdiction to review the Board's two orders denying reconsideration. "Where a party petitions an agency for reconsideration on the ground of 'material error,' *i.e.*, on the same record that was before the agency when it rendered its original decision, an order which merely denies rehearing is not itself reviewable." *Betty B Coal Co. v. Dir., Off. of Workers Comp. Programs*, 194 F.3d 491, 96 (4th Cir. 1999) (cleaned up); *see also I.C.C. v. Bhd. of Locomotive Eng'rs*, 482 U.S. 270, 280 (1987).

Accordingly, we deny the petitions for review for lack of jurisdiction. We also deny as moot the motion to dismiss filed by CP&O, LLC, and grant the motion to withdraw the motion to dismiss submitted by Signal Mutual Indemnity Association, Ltd., and Virginia International Terminals, LLC. 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.

PETITIONS DISMISSED