

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 9, 2007

Charles R. Fulbruge III
Clerk

No. 06-60602

HALTER MARINE; ZURICH AMERICAN INSURANCE CO

Petitioners

v.

EVERETT NECAISE; DIRECTOR, OFFICE OF WORKER'S
COMPENSATION PROGRAMS, US DEPARTMENT OF LABOR

Respondents

Petition for Review of an Order of
United States Department of Labor
Benefits Review Board
No. 05-781

Before JONES, Chief Judge, and REAVLEY and SMITH, Circuit Judges.

PER CURIAM:*

This court has considered the appeal in light of the briefs, argument of counsel, and pertinent authorities and portions of the record. Having done so, we DENY the petition for review. The Benefits Review Board's decision is supported by substantial evidence and involves no error of law. The employer

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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did not satisfy its burden of showing, on the facts of this case, that suitable employment for Necaise was "reasonably available" because Necaise was able to perform short-term light duty work. See *Norfolk Shipbuilding & Drydock Corp. v. Hord*, 193 F.3d 797 (4th Cir. 1999).

PETITION DENIED.