

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 15-3999

ABERRY COAL, INCORPORATED; ARROWPOINT  
CAPITAL INC., c/o Underwriters Safety & Claims,  
Petitioners,

v.

JOSEPH FLEMING; DIRECTOR, OFFICE OF  
WORKERS' COMPENSATION PROGRAMS,  
UNITED STATES DEPARTMENT OF LABOR.  
Respondents.**FILED**  
Jan 24, 2017  
DEBORAH S. HUNT, Clerk

Before: BATCHELDER and KETHLEDGE, Circuit Judges; LEVY, District Judge.

**JUDGMENT**On Petition for Review of an  
Order of the Benefits Review Board.

THIS MATTER came before the court upon the petition for review by Aberry Coal, Incorporated and Arrowpoint Capital Inc. of an order of the Benefits Review Board.

UPON FULL REVIEW of the record and the briefs of the Petitioners and Respondent Fleming,

IT IS ORDERED that the award of benefits is REVERSED, and the case is REMANDED for proceedings consistent with the opinion of this court.

**ENTERED BY ORDER OF THE COURT**

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Deborah S. Hunt, Clerk