



BRB No. 19-0478 BLA

GARNIE N. SYKES	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	
	)	
CONSOL ENERGY, INCORPORATED	)	
	)	
and	)	DATE ISSUED: 11/30/2022
	)	
ISLAND CREEK COAL COMPANY	)	
	)	
Employer/Carrier-	)	
Petitioners	)	
	)	
DIRECTOR, OFFICE OF WORKERS'	)	
COMPENSATION PROGRAMS, UNITED	)	
STATES DEPARTMENT OF LABOR	)	ORDER on
	)	RECONSIDERATION
Party-in-Interest	)	EN BANC

Employer has filed a timely motion for reconsideration en banc of the Benefits Review Board’s Decision and Order in this case, *Sykes v. Consol Energy, Inc.*, BRB No. 19-0478 BLA (Oct. 30, 2020), vacating the denial of benefits and remanding the case to the ALJ for further consideration. After consideration of Employer’s contentions and review of the Board’s disposition of this case, a majority of the Board’s permanent members did not vote to grant Employer’s motion. Therefore, Employer’s motion for reconsideration en banc is denied. 20 C.F.R. §§801.301(c), 802.407(a), (d), 802.409.

By Order of the Board:

Thomas O. Shepherd, Jr.  
Clerk of the Appellate Boards