

BRB No. 03-0335 BLA

JESSE H. HIGGINS)	
)	
Claimant-Respondent)	
)	
v.)	
)	
OLD BEN COAL COMPANY)	
)	DATE ISSUED: 11/30/2004
Employer-Petitioner)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	ORDER on MOTION for
)	RECONSIDERATION with
Party-in-Interest)	SUGGESTION OF
)	RECONSIDERATION <i>EN</i>
)	<i>BANC</i>

As no member of the Board has affirmatively voted to vacate or modify the decision herein, the Motion for Reconsideration with Suggestion for Reconsideration *En Banc* filed by employer is DENIED. 30 U.S.C. §921(b)(5); 20 C.F.R. §§801.301(b), 802.407(a), 802.409.

Thomas O. Shepherd, Jr.
Clerk of the Board