

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

August 20, 2020

Lyle W. Cayce  
Clerk

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No. 19-60215

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CLARENCE J. SIMON,

*Petitioner,*

*versus*

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS,  
UNITED STATES DEPARTMENT OF LABOR;  
LONGNECKER PROPERTIES, INCORPORATED;  
SEABRIGHT INSURANCE COMPANY,

*Respondents.*

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Petition for Review of an Order  
of the Benefits Review Board  
BRB No. 17-0579

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Before JOLLY, JONES, and WILLETT, *Circuit Judges.*

PER CURIAM: \*

Clarence Simon appeals from an adverse decision of the Benefits Review Board, which affirmed an administrative law judge ruling that Simon

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\* Pursuant to 5th Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Circuit Rule 47.5.4

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is barred from recovering benefits because he previously settled his claim with a third party without obtaining the employer's (Longnecker's) prior written approval. See 33 U.S.C. § 933(g). The administrative law judge held the settlement existed and was valid based on collateral estoppel, and the estoppel derived from an earlier federal court case. *See Simon v. Longnecker Properties, Inc.*, No. 15-31113, 671 Fed App'x. 277 (Mem.) (5<sup>th</sup> Cir. Dec. 7, 2016). Our review considers whether the Benefits Review Board "correctly concluded that the [ALJ's] order was supported by substantial evidence on the record as a whole and is in accordance with the law." *Ingalls Shipbuilding, Inc. v. Director, OWCP*, 991 F.2d 163, 165 (5<sup>th</sup> Cir. 1993). We have carefully reviewed the record in this case, together with the parties' briefs. Having done so, we find no error of fact or law. **AFFIRMED.**