

FILED: October 27, 2023

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1846

SHILOH,

Petitioner,

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS,
UNITED STATES DEPARTMENT OF LABOR; HUNTINGTON INGALLS
INDUSTRIES, INC.,

Respondents.

ORDER

Shiloh petitions for review of the Administrative Law Judge's (ALJ) September 9, 2022, decision on remand granting in part and denying in part Shiloh's claim under the Longshore and Harbor Workers' Compensation Act, [33 U.S.C. §§ 901-950](#). Huntington Ingalls Industries, Inc., has moved to dismiss the petition for review for lack of jurisdiction.

We may exercise jurisdiction only over final orders of the Benefits Review Board. [33 U.S.C. § 921\(c\)](#). Because Shiloh asks us to consider a decision of the ALJ and not a final order of the Benefits Review Board reviewing the ALJ's decision, we grant the motion

to dismiss and dismiss the petition for review for lack of jurisdiction.* *See Elliott Coal Mining Co. v. Dir., Off. of Workers' Comp. Programs*, [956 F.2d 448, 449-50](#) (3d Cir. 1992); *Aubrey v. Dir., Off. of Workers' Comp. Programs*, [916 F.2d 451, 452-53](#) (8th Cir. 1990).

Entered at the direction of the panel: Judge Thacker, Judge Rushing, and Senior Judge Keenan.

For the Court

/s/ Nwamaka Anowi, Clerk

* The court previously dismissed Shiloh's petition for review of the Benefits Review Board's September 16, 2021, decision affirming in part and vacating in part the ALJ's February 16, 2021, decision. *Shiloh v. Huntington Ingalls Indus., Inc.*, No. 23-1422 (4th Cir. July 18, 2023) (unpublished order). To the extent that Shiloh again petitions for review of the Benefits Review Board's September 16, 2021, decision, we reiterate that the Board's decision was not a final one. *See Eggers v. Clinchfield Coal Co.*, [11 F.3d 35, 38](#) (4th Cir. 1993); *Newport News Shipbldg. & Dry Dock Co. v. Dir., Off. of Workers' Comp. Programs*, [590 F.2d 1267, 1268-69](#) (4th Cir. 1978). Shiloh must obtain a final order from the Benefits Review Board before we may exercise jurisdiction.