

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-60638

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GEORGE SHANO,

Petitioner,

v.

RENE CROSS CONSTRUCTION; LOUISIANA  
WORKERS' COMPENSATION COMPANY; DIRECTOR,  
OFFICE OF WORKERS' COMPENSATION PROGRAMS,  
UNITED STATES DEPARTMENT OF LABOR,

Respondents.

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Petition for Review of an Order  
of the Benefits Review Board  
(98-0166)

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September 23, 1999

Before KING, Chief Judge, and JONES and STEWART, Circuit Judges.

PER CURIAM:\*

Petitioner George P. Shano petitions for review of the decision and order of the Benefits Review Board affirming the decision and order of the Administrative Law Judge that petitioner is excluded from coverage under the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C. § 901 et. seq. (the "Act"). The Administrative Law Judge concluded that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

petitioner, after his transfer to Cypress Cove Marina, Incorporated, was a marina worker and, as such, was specifically excluded from coverage under the Act by Section 2(3)(C) thereof. The Benefits Review Board correctly concluded that the decision of the Administrative Law Judge was supported by substantial evidence and affirmed that decision. Accordingly, the petition for review is

DENIED.