

FILED

May 29, 2003

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

02-60576

ROBERT THOMAS GIER,

Petitioner,

versus

SWIFTSHIPS INC.; DIRECTOR, OFFICE OF WORKER'S
COMPENSATION PROGRAMS, U.S. DEP'T OF LABOR,

Respondents,

Petition for Review from the Benefits Review Board
(01-0673)

Before WIENER and BARKSDALE, Circuit Judges, and FURGESON,
District Judge*.

PER CURIAM:**

Robert Thomas Gier petitions for review of the decision of the Benefits Review Board (BRB) affirming the Administrative Law Judge's (ALJ) determination that Gier was entitled to only permanent *partial* disability compensation from 27 October 1997 on a going-forward basis. During oral argument, Gier conceded that substantial evidence supported the ALJ's decision on remand from

* District Judge of the Western District of Texas, sitting by designation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the BRB. See, e.g., *Empire United Stevedores v. Gatlin*, 936 F.2d 819, 821 (5th Cir. 1991). Gier contends: the BRB erroneously applied the law-of-the-case doctrine; alternatively, the BRB erred in its initial 23 June 2000 decision by reversing the ALJ's credibility findings.

Having heard oral argument and reviewed the parties' briefs and pertinent parts of the record, and essentially for the reasons stated by the BRB, Gier's petition is

DENIED.