

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60756
Summary Calendar

SEA-LAND SERVICES, INC.,

Petitioner,

VERSUS

W.B. HOBDY; DIRECTOR, OFFICE OF WORKER'S
COMPENSATION PROGRAMS, U.S. DEPARTMENT OF LABOR,

Respondents.

Appeal from the Benefits Review Board,
United States Department of Labor

(95-1577)

July 15, 1997

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:*

Sea-Land Services, Inc. petitions this court for review of an order by the Benefits Review Board of the United States Department of Labor, arguing that the administrative law judge's determination, under 33 U.S.C. § 910, of an average weekly wage for

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

purposes of compensating respondent W.B. Hobdy for a temporary total disability and a permanent total disability was not supported by substantial evidence.

As a § 910 determination is a fact-intensive determination, we review such a decision for its adherence to the substantial evidence standard and its accordancy with the law. *Empire United Stevedores v. Gatlin*, 936 F.2d 819, 822 (5th Cir. 1991). Substantial evidence is evidence that "a reasonable mind might accept as adequate to support a conclusion." *Ingalls Shipbuilding, Inc. v. Director, Office of Workers' Compensation Programs*, 991 F.2d 163, 165 (5th Cir. 1993). In our review, we typically defer to the decision-maker's credibility choices among witnesses and evidence, *Id.*, and construe any doubts in favor of the employee in accordance with the statute's remedial purpose, *Empire United Stevedores*, 936 F.2d at 822.

As stated above, all that we require in order to affirm is that the wage determination be supported by substantial evidence. Finding such to be the case and employing our customary deference to the fact-finder, we DENY the petition and AFFIRM the Benefits Review Board's order.

