

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-5118

ERROL J. PINELL,

Petitioner-
Cross-Respondent,

versus

PATTERSON SERVICE, NORTH RIVER
INSURANCE COMPANY,

Respondents-
Cross-Petitioners,

DIRECTOR, OFFICE OF WORKERS'
COMPENSATION PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Respondents.

Petitions for Review of an Order
of the Benefits Review Board
(90-2201)

(March 22, 1994)

Before REAVLEY, GARWOOD and HIGGINBOTHAM, Circuit Judges.*

PER CURIAM:

On Pinell's appeal, we affirm the decision of the Benefits Review Board. Whether or not the settlement barred the disability

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

claim, there was substantial evidence to support the ALJ's finding after remand that Pinell had not shown he was unable to return to his usual employment duties.

We dismiss the cross-appeal complaining of that part of the ALJ's decision following remand as ruled that the Employer/Carrier pay for claimant's medical expenses in accordance with Section 7 of the Act. The Employer/Carrier did not appeal the ALJ's decision following remand to the Board (and Pinell did not appeal that portion of the ALJ's decision). Consequently, the medical expense issue is not properly before us, and the cross-appeal as to it is dismissed. *Tideland Welding Service v. Sawyer*, 881 F.2d 157, 161 (5th Cir. 1989).

AFFIRMED as to appeal. Cross-appeal DISMISSED.