

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Baker v. Director, Office of Workers' Compensation Programs

834 F.3d 542 (5th Cir. 2016) · No. 15-60634 · Decided August 19, 2016

SUMMARY

The Fifth Circuit affirmed the denial of James Baker’s benefits claims under the Longshore and Harbor Workers’ Compensation Act and the Outer Continental Shelf Lands Act. The court held that the Big Foot tension leg platform was not a vessel under the LHWCA and that Baker’s land-based work constructing modules lacked a substantial nexus to operations on the Outer Continental Shelf.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Stephen A. Higginson; Priscilla R. Owen Reavley; Carolyn Dineen King Haynes
JURISDICTION	Federal
DECIDED	August 19, 2016
DOCKET	15-60634
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petition for review of a Benefits Review Board order affirming an administrative law judge's denial of disability benefits under the Longshore and Harbor Workers' Compensation Act and the Outer Continental Shelf Lands Act.
STANDARD OF REVIEW	The court reviews the Benefits Review Board's legal determinations de novo, reviews the ALJ's factual findings for substantial evidence under 33 U.S.C. § 921(b)(3), and affords deference to the Director's interpretations of the LHWCA. When the facts are undisputed, LHWCA coverage is a question of statutory interpretation reviewed as a pure question of law.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	James Baker, Jr. v. Director, Office of Workers' Compensation Programs, United States Department of Labor, Gulf Island Marine Fabricators, L.L.C.

TOPICS

workers compensation

admiralty

administrative law

judicial review of agency action

statutory interpretation

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Big Foot qualified as a vessel under the Longshore and Harbor Workers' Compensation Act such that Baker's work constructing its modules constituted maritime employment.
2. Whether Baker's alleged land-based injury had a substantial nexus to operations conducted on the Outer Continental Shelf so as to be covered by the LHWCA as extended by the Outer Continental Shelf Lands Act.

HOLDINGS

1. Big Foot was not a vessel within the meaning of 1 U.S.C. § 3 because it was not designed or practically capable of transporting people or things over water; therefore, Baker did not satisfy the LHWCA's maritime-employment status requirement based on his work constructing Big Foot's modules.
2. Baker's alleged injury did not have a substantial nexus to extractive operations on the Outer Continental Shelf and therefore was not covered by the LHWCA as extended by the OCSLA.

KEY QUOTATIONS

“The word ‘vessel’ includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.” (at 4)

“Not every floating structure is a ‘vessel.’ . . . even if they are ‘artificial contrivance[s]’ capable of floating, moving under tow, and incidentally carrying even a fair-sized item or two when they do so.” (at 6)

“To meet the substantial nexus test, ‘the injured employee [must] establish a significant causal link between the injury that he suffered and his employer’s on-OCS operations conducted for the purpose of extracting natural resources from the OCS.’” (at 9)

FACTUAL BACKGROUND

James Baker worked as a marine carpenter for eight months at Gulf Island Marine Fabricators' waterside fabrication yard in Houma, Louisiana, constructing living and dining quarters for Big Foot, a tension-leg offshore oil platform. Big Foot could float but lacked self-propulsion, steering, a raked bow, and thrusters; it was designed to be towed to the Outer Continental Shelf and anchored there for approximately twenty years as an oil-field work platform. Gulf Island had no role in moving, installing, or operating Big Foot on the Outer Continental Shelf, and Baker's work did not require him to travel there.

PROCEDURAL HISTORY

An administrative law judge denied Baker's disability-benefits claims, determining that the structure on which he worked was not a vessel under the LHWCA and that his injury lacked a sufficient causal connection to operations on the Outer Continental Shelf. The Benefits Review Board affirmed. Baker timely petitioned the Fifth Circuit for review, and the court affirmed.

DISPOSITION

affirmed

CASES CITED

- Coastal Production Services, Inc. v. Hudson, 555 F.3d 426, 430-31, 439 (5th Cir. 2009)
- B & D Contracting v. Pearley, 548 F.3d 338, 340 (5th Cir. 2008)
- New Orleans Depot Services, Inc. v. Director, Office of Workers' Compensation Programs, 718 F.3d 384, 387 (5th Cir. 2013) (en banc)
- Chesapeake & Ohio Railway Co. v. Schwalb, 493 U.S. 40, 46-47 (1989)
- Stewart v. Dutra Construction Co., 543 U.S. 481, 484, 488-90, 492, 495 (2005)
- Lozman v. City of Riviera Beach, 133 S. Ct. 735, 739-45 (2013)
- Bernard v. Binnings Construction Co., 741 F.2d 824, 828-32 (5th Cir. 1984)
- Smith v. Massman Construction Co., 607 F.2d 87, 89 (5th Cir. 1979)
- Blanchard v. Engine & Gas Compressor Services, Inc., 575 F.2d 1140, 1141-43 (5th Cir. 1978)
- Cook v. Belden Concrete Products, Inc., 472 F.2d 999, 1001 (5th Cir. 1973)
- Warrior Energy Services Corp. v. ATP Titan M/V, 551 F. App'x 749, 752 (5th Cir. 2014)
- Pacific Operators Offshore, LLP v. Valladolid, 132 S. Ct. 680, 684-91 (2012)