

J. RIVERA V. FOXWORTH-GALBRAITH

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JOSE F. RIVERA,

Worker-Appellant,

v.

**FOXWORTH-GALBRAITH
LUMBER COMPANY and
GALLAGHER BASSETT
SERVICES, INC. (TPA),
Employer/Insurer-Appellees.**

NO. 29,153

COURT OF APPEALS OF NEW MEXICO

June 11, 2009

APPEAL FROM THE WORKERS COMPENSATION ADMINISTRATION, Victor S.
Lopez, Workers' Compensation Judge

COUNSEL

LeeAnn Ortiz, Albuquerque, NM, for Appellant

James P. Barrett, Albuquerque, NM, for Employer/Insurer-Appellees.

JUDGES

RODERICK T. KENNEDY, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,
LINDA M. VANZI, Judge

AUTHOR: RODERICK T. KENNEDY

MEMORANDUM OPINION

KENNEDY, Judge.

Worker appeals an amended order granting in part his petition for a partial lump-sum payment. We issued a second calendar notice proposing to summarily dismiss Worker's appeal as premature because the workers' compensation judge (WCJ) has not ruled on Worker's motion for reconsideration. Worker filed a timely memorandum in support, which we have duly considered. For the reasons in the second calendar notice, we dismiss this appeal.

IT IS SO ORDERED.

RODERICK T. KENNEDY, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

LINDA M. VANZI, Judge