

**MELENDEZ V. SALLS BROTHERS CONSTRUCTION**

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**JOSE MELENDEZ,**  
Worker-Appellant,  
**v.**  
**SALLS BROTHERS CONSTRUCTION**  
**and BITUMINOUS INSURANCE CO.,**  
Employer/Insurer-Appellees.

No. 32,293

COURT OF APPEALS OF NEW MEXICO

September 25, 2014

APPEAL FROM THE WORKERS' COMPENSATION ADMINISTRATION, Terry S.  
Kramer, Workers' Compensation Judge

**COUNSEL**

Mel B. O'Reilly, Albuquerque, NM, for Appellant

Doughty & West P.A., Minerva Camp, Albuquerque, NM, for Appellees

**JUDGES**

JONATHAN B. SUTIN, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,  
CYNTHIA A. FRY, Judge

**AUTHOR:** JONATHAN B. SUTIN

**MEMORANDUM OPINION**

**SUTIN, Judge.**

{1} Summary affirmance in part, summary reversal in part, and remand was proposed for the reasons stated in the second notice of proposed summary disposition.

No memorandum opposing that notice has been filed and the time for doing so has expired.

**{2}** For the reasons set forth in our second notice of proposed summary disposition filed August 11, 2014, we AFFIRM in part, REVERSE in part, and REMAND to the workers' compensation administration for further proceedings.

**{3} IT IS SO ORDERED.**

**JONATHAN B. SUTIN, Judge**

**WE CONCUR:**

**JAMES J. WECHSLER, Judge**

**CYNTHIA A. FRY, Judge**