

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-1292

September Term, 2022

RRRB-08/08/2022 Decision

Filed On: June 16, 2023

Laura A. Gutteridge Anos,

Petitioner

v.

U.S. Railroad Retirement Board,

Respondent

**ON PETITION FOR REVIEW FROM AN ORDER
OF THE RAILROAD RETIREMENT BOARD**

BEFORE: Millett, Pillard, and Rao, Circuit Judges

J U D G M E N T

This petition for review of an order of the United States Railroad Retirement Board was considered on the briefs and appendix filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the petition for review be denied. The Railroad Retirement Board’s decision was supported by substantial evidence and not based on any error of law. See Reed v. R.R. Ret. Bd., 145 F.3d 373, 375 (D.C. Cir. 1998) (per curiam). Under the “highly deferential” substantial-evidence standard, we must abide by the Board’s “reasonable findings and conclusions,” even if the evidence could have supported a contrary view. Marshall Cnty. Coal Co. v. Fed. Mine Safety & Health Rev. Comm'n, 923 F.3d 192, 201 (D.C. Cir. 2019) (quoting Cumberland Coal Res., LP v. Fed. Mine Safety & Health Review Comm'n, 717 F.3d 1020, 1028 (D.C. Cir. 2013)). Here, the Board reasonably found petitioner’s request untimely with respect to the period through December 2010, reasonably concluding that neither the fraud nor the equity exceptions to the four-year time bar applied. See 45 U.S.C. § 231h; 20 C.F.R. § 211.16(a), (b)(1), (2)(iv). As to petitioner’s timely request with respect to the month of January 2011, the Board likewise reasonably found that petitioner did not serve as an employee of CSX Transportation during that month.

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam