

U.S. Department of Labor

Benefits Review Board  
200 Constitution Ave. NW  
Washington, DC 20210-0001



BRB No. 19-0353 BLA  
Case No. 2018-BLA-05226

PAUL E. ESTEP	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	
	)	
PREMIER ELKHORN COAL, LLC	)	
Self-Insured Through GATLIFF COAL	)	
COMPANY	)	
	)	
Employer-Petitioner	)	DATE ISSUED: 06/12/2020
	)	
DIRECTOR, OFFICE OF WORKERS'	)	
COMPENSATION PROGRAMS, UNITED	)	
STATES DEPARTMENT OF LABOR	)	
	)	
Party-in-Interest	)	ORDER

On April 27, 2020, counsel for employer filed a Notice of Bankruptcy and Motion to Withdraw as Counsel of Record, informing the Board that due to employer's parent company's Chapter 11 plan, it no longer has sufficient assets to satisfy this black lung claim. In response, on June 8, 2020, the Director, Office of Worker's Compensation Programs (the Director), filed a Motion to Remand for Payment of Benefits by the Black Lung Disability Trust Fund (the Trust Fund). The Director states that the Trust Fund accepts liability for this claim and does not contest claimant's entitlement to benefits. The Director requests that the board dismiss the appeal and remand this case to the district director for the payment of benefits by the Trust Fund.

In view of the above, the Board grants the Director's motion, dismisses this appeal, and remands this case to the district director for the payment of benefits by the Trust Fund. *See* 26 U.S.C. §9501(d)(1)(B); 20 C.F.R. §725.1(c), (e).

SO ORDERED.

JUDITH S. BOGGS, Chief  
Administrative Appeals Judge

JONATHAN ROLFE  
Administrative Appeals Judge

DANIEL T. GRESH  
Administrative Appeals Judge