



BRB Nos. 18-0151 BLA
18-0151 BLA-A
and 18-0377 BLA
2014-BLA-05431 and 2017-BLA-05295

TEMMY WOLFORD)
(o/b/o and Widow of MARK A. WOLFORD))
)
Claimant-Respondent)
Cross-Petitioner)

v.)

KWV OPERATIONS, LLC)
)
and)

BRICKSTREET MUTUAL INSURANCE)
COMPANY, INCORPORATED)
)
Employer/Carrier-Petitioners)
Cross-Respondents)

DATE ISSUED: 6/28/2022

DIRECTOR, OFFICE OF WORKERS')
COMPENSATION PROGRAMS, UNITED)
STATES DEPARTMENT OF LABOR)
)
Party-in-Interest)

ORDER

Employer and its Carrier (Employer) have filed a timely motion for reconsideration of the Benefits Review Board’s decision in *Wolford v. KWV Operations, LLC*, BRB Nos. 18-0151 BLA, 18-0151 BLA-A, 18-0377 BLA (July 29, 2019) (unpub.), affirming Administrative Law Judge Larry Temin’s responsible operator designation. 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407(a). Employer argues liability for the payment of benefits should transfer to the Black Lung Disability Trust Fund (Trust Fund).

In response, on May 3, 2022, the Director, Office of Workers' Compensation Programs (the Director), filed a Motion to Remand for Payment of Benefits by the Black Lung Disability Trust Fund. The Director states the Trust Fund accepts liability for this claim and does not contest Claimant's entitlement to benefits. The Director requests the Board remand the 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

GREG J. BUZZARD
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge