

## PART IV

### ADMINISTRATIVE PROCESSING OF CLAIMS, POWERS AND DUTIES OF THE ADMINISTRATIVE LAW JUDGE

#### A. THE CLAIMS PROCESS

##### 4. PROCEDURAL ISSUES AT THE DISTRICT DIRECTOR OR THE HEARING LEVEL

###### h. Controversion Under Revised 20 C.F.R. §725.412 (effective 1/19/01)

#### DIGESTS

The designated responsible operator is no longer required to affirmatively challenge claimant's entitlement to benefits, as it was under 20 C.F.R. §725.413 (1999). Rather, under the revised regulations that became effective on January 19, 2001, if the responsible operator fails to file a statement accepting the claimant's entitlement to benefits within thirty days after the district director issues a schedule pursuant to 20 C.F.R. §725.410, "the operator shall be deemed to have contested the claimant's entitlement." 20 C.F.R. §725.412(b). Thus, a failure to respond to the district director's schedule has no effect on claimant's burden to establish entitlement to benefits. Further, if the operator does not respond to the district director's proposed decision and order within thirty days, the decision becomes final but is still subject to modification pursuant to 20 C.F.R. §725.310. **See *D.S. v. Ramey Coal Co.***, BLR (June 25, 2008).

09/08