

BRB No. 01-0325 BLA
Case No. 99-BLA-1095

TEDDY RATLIFF, JR.)	
)	
Claimant-Petitioner)	
)	
v.)	
)	DATE ISSUED:
HOPKINS CREEK COAL COMPANY)	
)	
and)	
)	
A. T. MASSEY)	
)	
Employer/Carrier-)	
Respondents)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Party-in-Interest)	ORDER

On December 15, 2000, claimant, without the assistance of counsel, filed a letter in support of his appeal in the captioned case. Claimant states that he has recently acquired medical evidence in support of his claim and he included copies of a lung biopsy diagnosing anthracosis with his letter. The Board's review of this case, however, is limited to the record developed at the hearing before the administrative law judge. Hence, the Board cannot consider in its review of this appeal the evidence attached to claimant's letter to the Board because it was not submitted to the administrative law judge. 20 C.F.R §802.301.

As this case arises within the jurisdiction of the United States Court of Appeals for the Sixth Circuit, this appeal is dismissed and the case is remanded to the district director for modification proceedings. *Youghioghney & Ohio Coal Co. v. Milliken*, 200 F.3d 942, 22 BLR 2-46 (6th Cir. 1999). The district director's role in processing a modification petition is ministerial and administrative. The authority of the district director is limited to processing the petition under the same procedures applicable to other claims. *Hoskins v. Director, OWCP*, 11 BLR 1-144 (1988). After claimant's request for modification is processed by the district director, the case will be transferred to the Office of Administrative Law Judges for a hearing pursuant to the regulations. decision on claimant's request for modification.

Appeal of the original decision will be reinstated by the Board only if the petitioner requests reinstatement. The request for reinstatement must be filed with the Board within thirty (30) days from the date the administrative law judge's Order on modification is filed and must be identified by the Board's docket number BRB No. 01-0325 BLA. The request for reinstatement must be served on all parties. If reinstatement is requested, the Board will consider only the issues raised in the petitioner's appeal of the Decision and Order issued on November 13, 2000.

In the event the administrative law judge denies modification and claimant wishes the Board to consider not only the original appeal, but also whether the denial of modification was erroneous, a Notice of Appeal of the Order denying modification must be filed, in addition to the request for reinstatement. The Notice of Appeal must also be filed with the Board within thirty (30) days of the date the Order on modification is filed. 20 C.F.R. §§802.205, 802.301(c). The appeal of the Order on modification will be assigned a new docket number and will be consolidated with the appeal of the original decision, BRB No. 01-0325 BLA.

In the event an administrative law judge grants modification, any party who is aggrieved by the Order may file an appeal with the Board within thirty (30) days of the date the Order granting modification is filed. 20 C.F.R. §§802.205, 802.301(c).

Accordingly, claimant's appeal in the instant case is dismissed and the case is remanded to the district director to process the request for modification in accordance with this order.

SO ORDERED.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge