

BRB No. 04-758 BLA  
Case No. 03-BLA-5586

VERTRUE MEADOWS	)	
	)	DATE ISSUED: 02/04/2005
Claimant-Petitioner	)	
	)	
v.	)	
	)	
JAMB MINING, INCORPORATED	)	
	)	
Employer-Respondent	)	
	)	
DIRECTOR, OFFICE OF WORKERS'	)	
COMPENSATION PROGRAMS,	)	
UNITED STATES DEPARTMENT	)	
OF LABOR	)	
	)	
Party-in-Interest	)	ORDER

On January 24, 2005, the Board received claimant's Motion to Remand. The Board dismisses this appeal and remands the case to the Office of the District Director for modification proceedings. 20 C.F.R. §§725.310, 802.301.

This case will be reinstated by the Board if petitioner requests reinstatement. The request for reinstatement must be filed with the Board within thirty (30) days from the date the decision on modification is filed, and must be identified as BRB No. 04-758 BLA. The request for reinstatement must be served on all parties. If reinstatement is requested, the Board will consider only the issues raised in claimant's appeal of the Decision and Order denying benefits issued June 7, 2004.

After the request is processed by the district director, the case may be transferred to an administrative law judge for a hearing pursuant to the regulations. 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 decision denying modification must be filed, in addition to the request for reinstatement. The

Notice of Appeal and request for reinstatement must be filed with the Board within thirty (30) days of the date the decision on modification is filed. 20 C.F.R. §802.205. The appeal of the decision on modification will be assigned a new number and will be consolidated with claimant's appeal of the administrative law judge's Decision and Order denying benefit issued June 7, 2004, BRB No. 04-758 BLA.

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

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NANCY S. DOLDER, Chief  
Administrative Appeals Judge

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BETTY JEAN HALL  
Administrative Appeals Judge

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JUDITH S. BOGGS  
Administrative Appeals Judge