

BRB No. 04-975 BLA
Case No. 03-BLA-281

EDWARD SINCAVAGE)	
)	
Claimant)	DATE ISSUED: 01/26/2005
)	
v.)	
)	
AUSTIN POWDER COMPANY)	
)	
Employer-Petitioner)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Respondent)	ORDER

The Director has filed a Motion for Remand for Payment of Benefits, notifying the Board of his withdrawal of controversion of all issues in this case. The Director requests that the Board vacate the Administrative Law Judge Janice Bullard's August 31, 2004, Decision and Order awarding benefits against employer, and the case be remanded to the district director for payment of benefits by the Black Lung disability Trust Fund.

The Board accepts the Director's Motion to Remand for Payment of Benefits as a withdrawal of controversion of all issues. *See Pendly v. Director, OWCP, 13 BLR 1-23 (1989)*. Accordingly, we grant the Director's motion and remand this case to the district director for payment of benefits to claimant by the Black Lung Disability Trust Fund.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge