

BRB No. 05-143 BLA
Case No. 03-BLA-6122

JOHNNY JOSEPH, JR.)
)
 Claimant-Petitioner) DATE ISSUED: 01/31/2005
)
 v.)
)
 DIRECTOR, OFFICE OF WORKERS')
 COMPENSATION UNITED STATES)
 DEPARTMENT OF LABOR)
)
 Respondent) ORDER

On January 3, 2005, the Director requested an extension of time to file a response brief. 20 C.F.R. §§802.212, 802.217. Subsequently, on January 18, 2005, the Director filed a Motion to Remand the captioned case to the District Director for the payment of benefits. In support of the motion, the Director requests that the Board vacate the administrative law judge's Decision and Order Denial of Benefits issued September 24, 2004. The Director concedes that no basis exists for denying claimant benefits.

The Board accepts the Director's Motion to Remand for the Payment of Benefits as a withdrawal of controversion of all issues. *See Pendley v. Director, OWCP*, 13 BLR 1-23 (1989). We grant the Director's Motion to Remand this case to the District Director for payment of benefits to claimant. Accordingly, the Board vacates the administrative law judge's Decision and Order – Denial of Benefits issued September 24, 2004.

In light of the above, the Director's motion for an extension of time to file a response brief is moot. 20 C.F.R. §§802.212, 802.217.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

JUDITH S. BOGGS
Administrative Appeals Judge