

BRB No. 05-361 BLA  
Case No. 03-BLA-5951

|                              |   |                         |
|------------------------------|---|-------------------------|
| CHARLES W. CARROLL           | ) |                         |
|                              | ) | DATE ISSUED: 01/25/2005 |
| Claimant-Petitioner          | ) |                         |
|                              | ) |                         |
| v.                           | ) |                         |
|                              | ) |                         |
| SOUTHERN APPALACHIAN COAL    | ) |                         |
| COMPANY                      | ) |                         |
|                              | ) |                         |
| Employer-Respondent          | ) |                         |
|                              | ) |                         |
| DIRECTOR, OFFICE OF WORKERS' | ) |                         |
| COMPENSATION PROGRAMS,       | ) |                         |
| UNITED STATES DEPARTMENT     | ) |                         |
| OF LABOR                     | ) |                         |
|                              | ) |                         |
| Party-in-Interest            | ) | ORDER                   |

The Board acknowledges receipt of claimant's Notice of Appeal of the administrative law judge's Decision and Order – Denying Benefits filed December 13, 2004, in the captioned appeal. Claimant's appeal is assigned the Board's docket number, BRB No. 05-361 BLA. Any future correspondence filed with the Board regarding this appeal must bear this number. Claimant states in his appeal that a Motion for Reconsideration has been filed with the Office of Administrative Law Judges.

Section 802.206(f) of the Board's Rules of Practice and Procedures, 20 C.F.R. §802.206(f), provides that if a timely motion for reconsideration of a decision and order of an administrative law judge is filed, any appeal to the Board, whether filed prior to or subsequent to the filing of the timely motion for reconsideration, shall be dismissed as premature. 20 C.F.R. §802.206(f).

In light of the motion for reconsideration, claimant's appeal is dismissed as premature. 20 C.F.R. §§802.205, 802.206(f).

Any party aggrieved by the administrative law judge's decision on reconsideration may file an appeal with the Board within thirty (30) days from the date the decision on reconsideration is filed. 20 C.F.R. §802.205.

---

NANCY S. DOLDER, Chief  
Administrative Appeals Judge

---

REGINA C. McGRANERY  
Administrative Appeals Judge

---

JUDITH S. BOGGS  
Administrative Appeals Judge