

BRB No. 07-0317 BLA

M.K.C.)
(Widow of W.O.C.))
)
Claimant-Petitioner) DATE ISSUED: 07/24/2007
)
v.)
)
PEABODY COAL COMPANY)
)
Employer-Respondent)
)
DIRECTOR, OFFICE OF WORKERS')
COMPENSATION PROGRAMS, UNITED)
STATES DEPARTMENT OF LABOR)
)
Party-in-Interest) ORDER

Claimant appealed the Decision and Order- Denying Benefits (04-BLA-6556) of Administrative Law Judge Joseph E. Kane rendered on a claim filed pursuant to the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, 30 U.S.C. §901 *et seq.* On March 12, 2007, the Board received employer's motion to remand this case to the District Director for the payment of benefits.

The Board construes employer's motion to be a withdrawal of controversion of all issues. *See Pendley v. Director, OWCP*, 13 BLR 1-23 (1989). Accordingly, we grant employer's motion and remand this case to the Office of the District Director for payment of benefits to claimant.

The Board has also received claimant's Application for Approval of Representative's Fee dated April 9, 2007. 20 C.F.R. §802.203. Claimant's application does not indicate service of the request on employer. Pursuant to 20 C.F.R. §802.216(c), (d), a copy of any paper filed with the Board shall be served on each party and the Solicitor of Labor, by the party submitting the paper. The regulation further states that any paper required to be given or served to or by the Board or any party shall be served by mail or otherwise presented, and shall be accompanied by a certificate of service. Therefore, claimant is directed to serve employer with a copy of

the Application for Approval of Representative's Fee within ten (10) days from receipt of this Order, with proof of service. 20 C.F.R. §802.216(c), (d).

NANCY S. DOLDER, Chief
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge