

BRB No. 04-0423 BLA
Case No. 03-BLA-0057

DOMINIC S. SLEVA)	
)	
Claimant-Petitioner)	DATE ISSUED:
06/09/2004)	
)	
v.)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Respondent)	ORDER

Claimant has filed a Motion to Remand in the captioned case. In support of the motion, counsel states that she is pursuing modification at the District Director level. The Board dismisses claimant's appeal and remands this 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 only 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 by BRB No. 04-0423 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 January 20, 2004.

After the request for modification 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 must also be filed with the Board within thirty (30) days of the date the decision on modification is filed. 20 C.F.R. §§802.205, 802.301. The appeal of the decision on modification will be assigned a new number and will be consolidated with BRB No. 04-0423 BLA.

In the event the administrative law judge grants modification, any party who is 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, 802.301(c).

NANCY S. DOLDER, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge, Acting