



BRB No. 16-0138 BLA

FRANK A. FELTY	)	
	)	
Claimant-Petitioner	)	
	)	
v.	)	DATE ISSUED: 06/28/2017
	)	
DIRECTOR, OFFICE OF WORKERS'	)	
COMPENSATION PROGRAMS, UNITED	)	
STATES DEPARTMENT OF LABOR	)	
	)	
Respondent	)	ORDER

The Board has received claimant’s June 11, 2017 letter requesting that this case be remanded for modification proceedings. In his letter, claimant, who is not represented by counsel, advises that he is requesting “modification with evidence,” and he requests that his case be remanded to the administrative law judge. Modification proceedings may not be initiated before an administrative law judge or the Board. 20 C.F.R. §725.310(b). All requests for modification must be filed with the District Director of the Office of Workers’ Compensation Programs (the district director). Consequently, the Board dismisses claimant’s appeal and remands this case to the district director for modification proceedings. 20 C.F.R. §802.301(c).

Once a final decision on the petition for modification is filed by an administrative law judge, this case may be reinstated on the Board’s docket if modification is denied. 20 C.F.R. §802.301(c). This case will be reinstated by the Board only if claimant 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 the Board’s docket number BRB No. 16-0138 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 original decision.

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 be filed with the Board within thirty (30) days of the date the decision on modification is filed. 20 C.F.R. §§802.205(a); 802.301(c). The appeal of the decision on modification will be assigned a new docket number and will be consolidated with the appeal of the original decision.

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(a), 802.301(c).

BETTY JEAN HALL, Chief  
Administrative Appeals Judge

RYAN GILLIGAN  
Administrative Appeals Judge

JONATHAN ROLFE  
Administrative Appeals Judge