

U.S. Department of Labor

Benefits Review Board  
P.O. Box 37601  
Washington, DC 20013-7601



BRB No. 16-0033 BLA

RUSSELL FAULK	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	
	)	
EMERALD COAL RESOURCES LP	)	
	)	DATE ISSUED: 11/29/2016
Employer-Petitioner	)	
	)	
DIRECTOR, OFFICE OF WORKERS'	)	
COMPENSATION PROGRAMS, UNITED	)	
STATES DEPARTMENT OF LABOR	)	
	)	
Party-in-Interest	)	ORDER

On August 1, 2016, counsel for employer filed a Notice of Withdrawal of Counsel, stating that employer's parent company, Alpha Natural Resources (Alpha), filed for reorganization under Chapter 11 of the Federal Bankruptcy Code, and that its bankruptcy plan has been confirmed. Counsel further states that Alpha instructed counsel to withdraw in claims where Alpha was self-insured, and specifically instructed counsel to withdraw in this claim.

In response, the Director, Office of Workers' Compensation Programs (the Director), filed a Motion to Remand the Case for Payment by the Black Lung Disability Trust Fund (the Trust Fund) on November 23, 2016. The Director states that the Trust Fund accepts liability for this claim and does not contest claimant's entitlement to benefits. Accordingly, the Director requests that this case be dismissed and remanded to the district director for payment of benefits by the Trust Fund.

In view of the above, the Board grants the Director's motion, dismisses this appeal, and remands this case to the district director for payment of benefits by the Trust Fund. *See* 26 U.S.C. §9501(d)(1)(B); 20 C.F.R. §725.1(c), (e).

SO ORDERED.

BETTY JEAN HALL, Chief  
Administrative Appeals Judge

JUDITH S. BOGGS  
Administrative Appeals Judge

GREG J. BUZZARD  
Administrative Appeals Judge