

BRB No. 04-644 BLA
Case No. 03-BLA-0221

CHARLES COMBS)	
)	
Claimant-Petitioner)	DATE ISSUED: 09/09/2004
)	
v.)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION UNITED STATES)	
DEPARTMENT OF LABOR)	
)	
Respondent)	ORDER

On August 30, 2004, the Board received claimant's request for modification in the captioned case. 20 C.F.R. §802.301.

In light of claimant's request for modification, the Board dismisses this appeal and remands the case to the Office of the District Director for modification proceedings. 20 C.F.R. §725.310.

The case will be reinstated by the Board only if the petitioner requests reinstatement. The request for reinstatement must be filed with the Board within thirty (30) days from the date the Order on modification is filed and must be identified by the Board's docket number assigned to the case. The request for reinstatement must be served on all parties. If reinstatement is requested, the Board will consider only the issues raised in petitioner'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 Order 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 Order on modification is filed. 20 C.F.R. §§802.205, 802.301(c). The appeal of the Order on modification will be assigned a new docket number and will be consolidated with the appeal of the original decision.

In the event an administrative law judge grants modification, any party aggrieved by

the Order granting modification may file an appeal with the Board within thirty (30) days of the date the Order 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

REGINA C. McGRANERY
Administrative Appeals Judge