

BRB No. 04-0802 BLA
Case No. 93-BTD-0045

JAMES TYLER)
)
Claimant-Respondent) DATE ISSUED: July 29, 2004
)
v.)
)
PEABODY COAL COMPANY)
)
and)
)
OLD REPUBLIC INSURANCE COMPANY)
)
Employer/Carrier-)
Petitioner)
)
DIRECTOR, OFFICE WORKERS')
COMPENSATION PROGRAMS, UNITED)
STATES DEPARTMENT OF LABOR)
)
Party-in-Interest) ORDER

The Board acknowledges receipt of employer's Notice of Appeal dated June 1, 2004, and filed in the Office of the Solicitor on June 7, 2004. Employer appeals the district director's Proposed Decision and Order on Report of First Treatment dated May 21, 2004. Employer's appeal has been assigned BRB No. 04-0802 BLA. All future correspondence must bear this number.

Section 802.207(a)(2) of the Board's Rules of Practice and Procedure provides that Notices of Appeal submitted to any other agency or subdivision of the Department of Labor or of the U.S. Government or any State government shall be promptly forwarded to the office of the Clerk of the Board. The notice shall be considered filed with the Clerk of the Board as of the date it was received by the other governmental unit if the Board finds that it is in the interest of justice to do so. 20 C.F.R. ' 802.207(a)(2). Since employer's Notice of Appeal was filed in the Office of the Solicitor on June 7, 2004, and filed within thirty (30) days of the date the district director's decision was filed, the Board accepts employer's Notice of Appeal as timely filed. 20 C.F.R. ' 802.207(a)(2).

By letter dated July 15, 2004, employer requests that its appeal of the district director's

Proposed Decision and Order on Report of First Treatment dated May 21, 2004, be dismissed as premature. The Board grants employer's motion, and dismisses this appeal. 20 C.F.R. ' 802.401.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge