

BRB No. 04-0496 BLA
Case No. 03-BLA-0133

TOMMY LEE LEDBETTER)
)
 Claimant-Petitioner) DATE ISSUED: March 26, 2004
)
 v.)
)
 C & B COAL COMPANY, INCORPORATED)
)
 and)
)
 OLD REPUBLIC INSURANCE COMPANY)
)
 Employer/Carrier-)
 Respondent)
)
 DIRECTOR, OFFICE OF WORKERS')
 COMPENSATION PROGRAMS, UNITED)
 STATES DEPARTMENT OF LABOR)
)
 Party-in-Interest) ORDER

The Board acknowledges receipt of claimant's Notice of Appeal postmarked March 16, 2004, of the administrative law judge's Decision and Order filed in the Office of the District Director on February 9, 2004. This appeal is assigned BRB No. 04-0496 BLA.

Section 802.205 of the Board's Rules of Practice and Procedures provides that Notices of Appeal must be filed with the Board within thirty (30) days from the date upon which the decision was filed in the Office of the District Director.

Claimant's appeal in this case, therefore, should have been filed no later than March 10, 2004. 20 C.F.R. §§802.205, 802.221. The Notice of Appeal postmarked March 16, 2004, and received by the Board on March 19, 2004, was untimely filed and must be dismissed. Accordingly,

the Board dismisses claimant's appeal as untimely filed. 33 U.S.C. §921(a); 30 U.S.C. §932(a); 20 C.F.R. §802.205.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge