

BRB Nos. 05-386 BLA  
and 05-440 BLA  
Case No. 00-BLA-1067

SAMANTHA VARNEY )  
 )  
 Claimant-Respondent ) DATE ISSUED: 03/03/2005  
 )  
 v. )  
 )  
 STEVEN LEE ENTERPRISES, INC. )  
 )  
 Employer-Petitioner )  
 )  
 DIRECTOR, OFFICE OF WORKERS' )  
 COMENSATION PROGAMS, UNITED )  
 STATES DEPARTMENT OF LABOR )  
 )  
 Party-in-Interest ) ORDER

The Board acknowledges receipt of employer's Notice of Appeal dated January 12, 2005. Employer requests an appeal of the administrative law judge's Decision and Order on Remand Granting Benefits issued July 9, 2004 and Order Denial of Motion for Reconsideration issued October 18, 2004. Employer's appeal is assigned the Board's docket number, BRB No. 05-386 BLA.

Employer states in its notice of appeal that it was not served with a copy of the administrative law judge's Order Denial of Motion for Reconsideration issued October 18, 2004. Employer also states that it filed a motion to reissue the October 18, 2004, order with the administrative law judge.

On February 2, 2005, the administrative law judge issued an Order Vacating Prior Order Denying Reconsideration. This order was first filed in the Office of the District Director on February 4, 2005. Therefore, since employer filed its appeal prior to the date that the Order was filed with the District Director the appeal is dismissed as premature. 20 C.F.R. §802.205(a).

The Board is now in receipt of employer's Notice of Appeal dated February 14, 2005, of the administrative law judge's Decision and Order issued July 9, 2004 and Order

Denial of Motion for Reconsideration issued February 2, 2005. Employer's appeal is assigned BRB No. 05-440 BLA. All future correspondence to the Board must bear this number.

Employer must file his Petition for Review and two (2) legible copies within thirty (30) days from receipt of this Order with proof of service on all parties to this appeal. 20 C.F.R. §§802.211, 802.216.

The District Director is hereby notified that this appeal has been filed with the Board. The District Director is requested to forward the official record of the case to the Board upon receipt of this Order. 20 C.F.R. §802.209.

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ROY P. SMITH  
Administrative Appeals Judge

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REGINA C. McGRANERY  
Administrative Appeals Judge

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BETTY JEAN HALL  
Administrative Appeals Judge