

BRB No. 04-778
Case No. 03-LHC-1600
OWCP No. 06-0114210

PATT HODGE)	
)	
Claimant-Petitioner)	DATE ISSUED: 08/31/2004
)	
v.)	
)	
INGALLS SHIPBUILDING, INC.)	
)	
Employer-Respondent)	ORDER

The Board has received employer's Motion to Strike Claimant's Petition for Review. As grounds for the motion employer states that it filed a motion for reconsideration with the administrative law judge on June 8, 2004, and the Board is without jurisdiction to consider claimant's appeal. Therefore, claimant's appeal filed on July 8, 2004, was premature.

Section 802.206(f) of the Board's Rules of Practice and Procedure, 20 C.F.R. §802.206(f), provides that if a timely motion for reconsideration of a decision or order of an administrative law judge is filed, any appeal to the Board, whether filed prior to or subsequent to the filing of the timely motion for reconsideration, shall be dismissed as premature. The Board, therefore, dismisses claimant's appeal as premature. 20 C.F.R. §802.206(f).

If any party is aggrieved by the administrative law judge's decision on reconsideration, an appeal must be filed with the Board within thirty (30) days of the filing date of the decision on reconsideration. 20 C.F.R. §802.205.

ROY P. SMITH
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge