

BRB No. 06-0405

CHARLOTTE VIGGIANO )  
(Widow of JOHN VIGGIANO) )  
 )  
 Claimant-Petitioner )  
 )  
 v. )  
 )  
 DEL MONTE TROPICAL FRUIT ) DATE ISSUED: 03/03/2006  
 COMPANY )  
 )  
 and )  
 )  
 LUMBERMAN'S MUTUAL CASUALTY )  
 COMPANY )  
 )  
 Employer/Carrier- )  
 Respondents ) ORDER

Claimant has filed a Notice of Appeal with the Board, contending that the district director's failure to act on her counsel's December 10, 2003, petition for an attorney's fee is tantamount to a denial of an attorney's fee. This appeal is assigned BRB No. 06-0405. All further correspondence with the Board concerning this appeal should reference this number.

We dismiss claimant's appeal, as the district director has not issued a decision awarding or denying an attorney's fee or sent any correspondence that could be construed as a final action on the attorney's fee petition. As a decision has not been issued, the Board lacks jurisdiction over this appeal. *See* 33 U.S.C. §921(b); 20 C.F.R. 802.201; *see generally Healy Tibbitts Builders, Inc. v. Cabral*, 201 F.3d

1090, 33 BRBS 209(CRT) (9<sup>th</sup> Cir.), *cert. denied*, 531 U.S. 956 (2000). Claimant is advised to file with the district director a motion seeking action on her fee petition.

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NANCY S. DOLDER, Chief  
Administrative Appeals Judge

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REGINA C. McGRANERY  
Administrative Appeals Judge

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JUDITH S. BOGGS  
Administrative Appeals Judge