



**U.S. DEPARTMENT OF LABOR Office of Workers' Compensation Programs  
Division of Coal Mine Workers' Compensation  
Washington, D.C. 20210**

**BLBA BULLETIN NO. 14-12**

**SEP 24 2014**

Issue Date:

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Expiration Date: When incorporated in the BLBA-PM

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**Subject:** Reinstatement of Interim Benefits in Certain Claims

**Background:** Claims that have been awarded at the District Director level are placed in interim pay prior to being transferred to the Office of Administrative Law Judges for formal hearing. Benefits are suspended if the Administrative Law Judge (ALJ) denies the claim. If the claimant appeals the ALJ's decision, the Benefits Review Board (BRB) may vacate the ALJ's denial and remand the case for further consideration (see BLBA PM 2-1406.20a). District Offices have requested guidance regarding whether the claimant's interim benefits must be reinstated under those circumstances.

**Purpose and Scope:** This bulletin makes clear that it is OWCP policy to reinstate a claimant's interim benefits in cases in which the BRB has vacated an ALJ's decision denying a previously awarded claim. 20 CFR 725.522 requires the Black Lung Disability Trust Fund to pay interim benefits to the claimant if the responsible operator refuses to pay following a District Director's initial determination of eligibility. The Trust Fund is authorized to "continue such payments as appropriate." That language provides OWCP with authority to reinstate interim benefits based on the Proposed Decision and Order awarding benefits after the ALJ's decision denying the claim has been vacated. This approach is consistent with the intent behind interim benefits – to provide money for basic necessities to claimants while they are compelled to defend an award in litigation. In addition, it prevents claimants from being unfairly penalized by an incorrect ALJ decision denying benefits. This approach is also consistent with OWCP's policy of continuing to pay benefits based on an initial Proposed Decision and Order awarding benefits in cases in which a subsequent ALJ *award* has been vacated by the Board and the claim remanded to the ALJ for further consideration.

**Applicability:** Appropriate DCMWC personnel

**References:** 20 CFR 725.522, BLBA PM Chapter 2-1406, Post-Entitlement Changes

**Action:** Effective immediately, pursuant to a decision by the Director, OWCP, appropriate DCMWC claims personnel must take action to reinstate benefits in cases in which the BRB has vacated an ALJ's decision denying a claim previously awarded by a District Director. Consequently, it is imperative that this procedure be implemented consistently across all District Offices.

Reinstated interim benefits will be paid retroactively to the date of suspension. DCMWC offices will inform the claimants of their reinstatement by letter, and notify them that overpayment actions are suspended.

**Disposition:** Retain until incorporated into the Coal Mine (BLBA) Procedure Manual.

A handwritten signature in black ink, appearing to read 'Michael A. Chance', with a long horizontal line extending to the right.

MICHAEL A. CHANCE  
Director, Division of Coal  
Mine Workers' Compensation

Distribution: All DCMWC Staff