

BRB Nos. 04-0223 BLA  
and 04-0223 BLA-A  
Case No. 03-BLA-5455

|                              |   |                         |
|------------------------------|---|-------------------------|
| HAROLD A. CASSIDY            | ) |                         |
|                              | ) |                         |
| Claimant-Petitioner          | ) | DATE ISSUED: 03/05/2004 |
| Cross-Respondent             | ) |                         |
|                              | ) |                         |
| v.                           | ) |                         |
|                              | ) |                         |
| BETHENERGY MINES, INC.       | ) |                         |
|                              | ) |                         |
| Employer-Respondent          | ) |                         |
| Cross-Petitioner             | ) |                         |
|                              | ) |                         |
| DIRECTOR, OFFICE OF WORKERS' | ) |                         |
| COMPENSATION PROGRAMS,       | ) |                         |
| UNITED STATES DEPARTMENT     | ) |                         |
| OF LABOR                     | ) |                         |
|                              | ) |                         |
| Party-in-Interest            | ) | ORDER                   |

By Order dated February 5, 2004, the Board granted employer thirty (30) days from receipt of claimant's Petition for Review and brief in BRB No. 04-0223 BLA to file its Petition for Review and brief in BRB No. 04-0223 BLA-A. The Board also ordered claimant to show cause why his appeal should not be dismissed for failure to file a Petition for Review and brief in BRB No. 04-0223 BLA.

On February 18, 2004, claimant filed a motion requesting that his appeal be withdrawn in BRB No. 04-0223 BLA. The Board grants the motion and dismisses claimant's appeal, BRB No. 04-0223 BLA. 20 C.F.R. §802.401(a).

In view of the dismissal of claimant's appeal, BRB No. 04-0223 BLA, employer is no longer potentially aggrieved by the administrative law judge's Decision and Order. Accordingly, employer's cross-appeal, BRB No. 04-0223 BLA-A, is also dismissed.

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NANCY S. DOLDER, Chief  
Administrative Appeals Judge

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ROY P. SMITH  
Administrative Appeals Judge

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REGINA C. McGRANERY  
Administrative Appeals Judge