

BRB No. 04-477 BLA  
Case No. 02-BLA-5449

RICHARD L. SHARP )  
 )  
 Claimant-Petitioner )  
 )  
 v. )  
 )  
 KEY MINING, INCORPORATED )  
 )  
 and )  
 )  
 AMERICAN MINING INSURANCE ) DATE  
 COMPANY ) ISSUED: 3/24/04  
 )  
 Employer/Carrier- )  
 Respondent )  
 )  
 DIRECTOR, OFFICE OF WORKERS' )  
 COMPENSATION PROGRAMS, UNITED )  
 STATES DEPARTMENT OF LABOR )  
 )  
 Party-in-Interest )  
 )

ORDER

On March 1, 2004, the Office of Administrative Law Judges forwarded to the Board claimant's Notice of Appeal dated February 19, 2004. Claimant appeals the administrative law judge's Decision and Order Denial of Benefits issued January 6, 2004. This appeal is assigned the Board's docket number, BRB No. 04-477 BLA.

Section 802.205(a) of the Board's Rules of Practice and Procedure, 20 C.F.R. §802.205(a), provides that a Notice of Appeal must be filed with Board within thirty (30) days from the date upon which the decision or order has been filed in the Office of the District Director. The administrative law judge's decision in this case was filed in the Office of the District Director on January 6, 2004. Thirty days from that date was Thursday, February 4, 2004.

The Notice of Appeal in the instant case was dated February 19, 2004, postmarked February 20, 2004 and received by Office of Administrative Law Judges on February 24, 2004. Therefore, claimant's appeal is dismissed as untimely. 20 C.F.R. §802.205

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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