

BRB No. 04-729 BLA
Case No. 03-BLA-5879

PHYLLIS V. WOOD (Widow)
of CLYDE WOOD))
) DATE ISSUED: 11/29/2004
Claimant-Petitioner)
)
v.)
)
READING ANTRACITE COMPANY)
)
and)
)
LACKAWANNA CASUALTY)
COMPANY)
)
Employer/Carrier-)
Respondent)
)
DIRECTOR, OFFICE OF WORKERS')
COMPENSATION PROGRAMS,)
UNITED STATES DEPARTMENT)
OF LABOR)
)
Party-in-Interest) ORDER

By Motion dated October 28, 2004, claimant's counsel requested that the Board remand the captioned case to the District Director for modification proceedings.

The Board grants claimant's motion. This case is, therefore, dismissed and remanded to the District Director for modification proceedings. This case will be reinstated by the Board only if claimant requests reinstatement. The request for reinstatement must be filed with the Board within thirty (30) days from the date the Order on modification is issued.

After the request for modification is processed by the district director, the case may be transferred to an administrative law judge for a hearing pursuant to the regulations. In the event the administrative law judge denies modification and claimant wishes the Board to consider not only the

original appeal, but also whether the administrative law judge erred in denying modification, a Notice of Appeal of the Order denying modification must be filed in addition to the request for reinstatement. The Notice of Appeal must also be filed with the Board within thirty (30) days of the date the Order on modification is issued. 20 C.F.R. §802.205.

In the event an administrative law judge grants modification, any party aggrieved by the decision granting modification may file an appeal with the Board within thirty (30) days of the date the decision granting modification is issued. 20 C.F.R. §§802.205, 802.301(c).

NANCY S. DOLDER, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

JUDITH S. BOGGS
Administrative Appeals Judge