

BRB Nos. 96-0443
and 96-0443S

JAMES W. BARKER)
)
 Claimant-Petitioner)
)
 v.)
)
 BATH IRON WORKS CORPORATION) DATE ISSUED: _____)
 Self-Insured)
 Employer-Respondent) ORDER

By motion dated October 23, 1996, claimant requested that the Board maintain these appeals on its docket for an additional 60 days pursuant to the provisions of Public Law No. 104-134. Claimant's motion is denied. Public Law No. 104-134 contained a provision that the petitioner could elect to maintain his appeal on the Board's docket for 60 days after the appeal had been pending for one year. The appropriations bill enacted for Fiscal Year 1997, however, while retaining the provision that the Board must administratively affirm any appeal pending before it for more than one year, does not contain the 60-day extension language. *See* H.R. Conf. Rep. No. 863, 104th Cong., 2d Sess. (1996). We note that claimant's appeal of the administrative law judge's Supplemental Order Denying Attorney's Fee was filed on March 15, 1996, BRB No. 96-0443S, and that this appeal was consolidated with claimant's appeal in BRB No. 96-0443 filed on December 4, 1995. In consolidated cases, the Board considers the one-year period referenced in the aforementioned laws to commence on the date of the later appeal.

We note that the district director has not yet forwarded the formal record to the Board. The district director is requested to forward the formal record to the Board upon receipt of this order.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

JAMES F. BROWN
Administrative Appeals Judge