

BRB No. 07-0187
OWCP No. 02-0138673

J. M.)
)
 Claimant-Respondent)
)
 v.)
)
 PROCUREMENT SERVICES)
 ASSOCIATES)
) DATE ISSUED: 02/28/2007
 Employer-Petitioner)
)
 DIRECTOR, OFFICE OF WORKERS')
 COMPENSATION PROGRAMS, UNITED)
 STATES DEPARTMENT OF LABOR)
)
 Party-in-Interest) ORDER

The Director, Office of Workers' Compensation Programs, has filed a motion to dismiss employer's appeal without prejudice pursuant to 20 C.F.R. §802.301(c), as he has filed a motion for modification of the administrative law judge's Decision and Order. Employer, an uninsured subcontractor, was held liable for temporary total disability benefits commencing September 23, 2004. The Director states that he will seek to modify the administrative law judge's decision to hold the general contractor liable for benefits pursuant to Section 4(a), 33 U.S.C. §904(a). Claimant has not responded to the Director's motion. Employer responds, urging the Board to continue the stay of payments pending a final decision in this matter.¹

We grant the Director's motion to dismiss employer's appeal without prejudice. 20 C.F.R. §802.301(c). The case is remanded to the administrative law judge for

¹ By Orders dated November 16, 2006 and January 16, 2007, the Board granted employer's motion for a stay of payments. 33 U.S.C. §921(b)(3); 20 C.F.R. §802.105.

modification proceedings. Employer's appeal of the administrative law judge's initial decision will be reinstated provided it files a motion for reinstatement within 30 days of the date the administrative law judge's decision on modification is filed by the district director. Any party adversely affected by the decision granting or denying modification may file a new appeal with the Board within 30 days of the date the decision on modification is filed. 33 U.S.C. §921(a); 20 C.F.R. §§802.205, 802.301(c). We also grant employer's motion. The stay of payments granted by the Board remains in effect.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge