

BRB No. 04-480  
Case No. 02-LHC-2712  
OWCP No. 05-0114228

PHYLLIS C. JERNIGAN	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	
	)	DATE ISSUED: 09/14/2004
NEWPORT NEWS SHIPBUILDING AND	)	
DRY DOCK COMPANY	)	
	)	
Employer-Petitioner	)	ORDER

By letters dated August 12, 2004 and September 9, 2004, claimant and employer informed the Board that the parties reached a settlement in the above captioned case and requests that this case be remanded.

Section 8(i)(1), of the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. §908(i)(1), provides for the approval of such settlements by the district director or administrative law judge. Accordingly, consistent with this section, the Board grants the motion, dismisses employer's appeal, and remands this case to the Office of the District Director for further appropriate action.

In the event the proposed settlement is not approved and the petitioner wishes review of the merits of this appeal, the Board will reinstate the appeal at the request of the petitioner. 33 U.S.C. §921(b)(4), 20 C.F.R. §802.405(a).

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ROY P. SMITH  
Administrative Appeals Judge

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REGINA C. McGRANERY  
Administrative Appeals Judge

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BETTY JEAN HALL  
Administrative Appeals Judge