

U.S. Department of Labor

Benefits Review Board  
200 Constitution Ave. NW  
Washington, DC 20210-0001



## **IMPORTANT NOTICE ABOUT FILING BLA APPEALS**

(Notice Date: November 4, 2020 to December 7, 2020)

**The Notice of Appeal Rights has changed because the Department of Labor will launch an upgraded system for online filing beginning 8:30 am Eastern Standard Time (EST) on Monday, December 7, 2020. The current online filing system will permanently shut down as of 5:00 pm EST on Thursday, December 3, 2020.**

**If you plan to electronically file your appeal online on or after December 7, 2020, allow extra time to register and learn how to file an appeal under the upgraded system. You will not be able to electronically file between 5:00 pm EST on December 3, 2020 and 8:30 am on December 7, 2020 because the systems will be offline for the transition. PLEASE PLAN YOUR ELECTRONIC FILING ACCORDINGLY. NO WAIVERS OR EXTENSIONS CAN BE GRANTED FOR BLACK LUNG APPEALS THAT ARE LATE DUE TO THIS TRANSITION.**

**You may pre-register to use the upgraded system from November 9, 2020, until 5:00 pm EST on December 3, 2020. However, you will not be able to file using the upgraded system until December 7, 2020.**

**Dates for webinars on the upgraded system will be announced on the websites of the Office of Administrative Law Judges ([www.dol.gov/agencies/oalj](http://www.dol.gov/agencies/oalj)), Benefits Review Board ([www.dol.gov/agencies/brb](http://www.dol.gov/agencies/brb)), and the upgraded Electronic Filing System (<https://efile.dol.gov>).**

**NOTICE OF APPEAL RIGHTS:** If you are dissatisfied with the Administrative Law Judge's decision, you may file an appeal with the Benefits Review Board ("Board"). To be timely, your appeal must be filed with the Board within thirty (30) days from the date on which the Administrative Law Judge's decision is filed with the district director's office. See 20 C.F.R. §§ 725.478 and 725.479.

### **Filing Your Appeal Online**

If you electronically file your appeal on or before 5:00 pm EST on December 3, 2020, you must use the Board's current Electronic File and Service Request (EFSR) system at <https://dol-appeals.entellitrak.com>. Information on how to register for the EFSR system, a step by step user guide, and FAQs are found at that link. The EFSR system will go offline permanently at 5:00 pm EST on December 3, 2020, for deployment-related activities. This means

that you will not be able to electronically file any appeals or other documents with the Board after 5:00 pm EST on December 3<sup>rd</sup> through 8:30 am on December 7<sup>th</sup>. Please plan your filings accordingly. If you have any questions or comments, please contact [Boards-EFSR-Help@dol.gov](mailto:Boards-EFSR-Help@dol.gov).

Beginning at 8:30 am EST on Monday, December 7, 2020, the U.S. Department of Labor will be using an upgraded eFile/eServe system (EFS) at <https://efile.dol.gov>. If you use the current website link, <https://dol-appeals.entellitrak.com>, you will be directed to this upgraded system. Information on how to register for EFS, as well as user guides, video tutorials, and FAQs, is available at <https://efile.dol.gov/support>.

Registration with EFS is a two-step process. First, all users, including those who are registered users of the current EFSR system, will need to create an account at login.gov (if they do not have one already). Second, users who have not previously registered with the EFSR system will then have to create a profile with EFS using their login.gov username and password. Existing EFSR system users will not have to create a new EFS profile. All users can learn how to file an appeal to the Board using EFS by consulting the written guide at <https://efile.dol.gov/system/files/2020-11/file-new-appeal-brb.pdf> and the video tutorial at <https://efile.dol.gov/support/boards/new-appeal-brb>.

**BE SURE TO REGISTER IN ADVANCE!** *The deadline for filing an appeal in a Black Lung Benefits Act case is jurisdictional and cannot be waived.* We recommend that you set up your EFS profile before you need to file so you will be able to file your appeal on time. You may pre-register for EFS from November 9, 2020, until 5:00 pm EST on December 3, 2020. It should take you less than an hour to set up your EFS profile, but you should allow more time to review the user guides and training materials. If you have trouble setting up your profile, you can find contact information for login.gov and EFS at <https://efile.dol.gov/contact>.

If you file your appeal online, you do not need to also file paper copies. The Board will electronically serve a copy of the notice of appeal on the district director who filed the decision or order being appealed and the Associate Solicitor for Black Lung and Longshore Legal Services. **You are still responsible for serving the notice of appeal on the other parties to the case.** Proof of service of the notice of appeal on the other parties must be included with the notice of appeal. *See* 20 C.F.R. § 802.204.

#### **Filing Your Appeal by Mail**

You may, in the alternative, including the period when neither EFSR nor EFS is available, file your appeal using regular mail to this address:

U.S. Department of Labor  
Benefits Review Board  
ATTN: Office of the Clerk of the Appellate Boards (OCAB)  
200 Constitution Ave. NW  
Washington, DC 20210-0001

If filing your appeal by regular mail, you must serve a copy of the appeal letter on the district director who filed the decision or order being appealed and on all other parties. Proof of service of the notice of appeal on the district director and other parties must be included with the notice of appeal. *See* 20 C.F.R. § 802.204.

You must also send a copy of the appeal letter to:  
Associate Solicitor  
Black Lung and Longshore Legal Services  
U.S. Department of Labor  
200 Constitution Ave. NW  
Room N-2119  
Washington, DC 20210

*See* 20 C.F.R. § 725.481.

*Access to EFS for Non-Appealing Parties in a Case*

If you are a party other than the party that is appealing, you may request access to the appeal by obtaining a login.gov account and creating an EFS profile. Written directions and a video tutorial on how to request access to an appeal are located at:

<https://efile.dol.gov/support/boards/request-access-an-appeal>

**Filing Date**

Your appeal is considered filed on the date the Office of the Clerk of the Board receives it, unless you send the appeal by mail and the Board determines that the U.S. Postal Service postmark, or other reliable evidence establishing the mailing date, may be used. *See* 20 C.F.R. § 802.207.

If an appeal is not timely filed with the Board, the Administrative Law Judge's decision becomes the final order of the Secretary of Labor pursuant to 20 C.F.R. § 725.479.

**After An Appeal Is Filed**

After an appeal is filed, the Board will issue a notice to all parties acknowledging receipt of the appeal and advising them as to any further action needed. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

**Service by the Board**

Registered users of EFS will be electronically served with Board-issued documents via EFS; they will not be served by regular mail. If you file your appeal by regular mail, you will be served with Board-issued documents by regular mail; however, on or after December 7, 2020, you may opt into electronic service by establishing an EFS account, even if you initially filed your appeal by regular mail.