



BRB No. 24-0373 BLA
Case No. 2021-BLA-05619

THE ESTATE OF MIKE OOTEN, JR.¹

Claimant-Respondent

v.

HOBET MINING, INCORPORATED

and

Self-insured through ARCH RESOURCES,
INCORPORATED

Employer/Carrier-
Petitioners

DIRECTOR, OFFICE OF WORKERS'
COMPENSATION PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR

Party-in-Interest

NOT-PUBLISHED

DATE ISSUED: 08/05/2026

ORDER

On October 1, 2025, the United States Court of Appeals for the Fourth Circuit, within whose jurisdiction this case arises, held in *Hobet Mining, Inc. v. Director, OWCP [Meredith]*, 156 F.4th 385 (4th Cir. 2025), *reh'g denied* (Mar. 16, 2026), that Arch Coal

¹ Claimant, the Miner, passed away on July 18, 2021. Claimant's Exhibit 4. His wife, Marjorie Ooten, is the administrator of his estate but has not been identified as the representative pursuing this case. *Id.*

Company, Incorporated (Arch)² the parent company of Hobet Mining, could not be held liable as a self-insurer for the payment of benefits arising out of a miner's employment with Arch's former subsidiaries, including Hobet Mining, when Patriot Coal, the subsequent owner and self-insurer of Hobet Mining at the time the claim was filed, went bankrupt. The parties agree that *Meredith* controls this case.

On October 14, 2025, Core Natural Resources filed a motion to dismiss Hobet Mining, Incorporated, self-insured through Arch Resources, (Employer) as the responsible operator in this case pursuant to *Meredith*. On April 8, 2026, the Director, Office of Workers' Compensation Programs (the Director), filed a motion requesting the Benefits Review Board hold the appeal in this case in abeyance until *Meredith* is not subject to further appeal.

On July 22, 2026, the Board issued an Order denying the Director's motion to hold the appeal in this case in abeyance, granting Employer's motion to dismiss Hobet Mining as the responsible operator and Arch as the responsible insurer, and ordering the Director to inform the Board within seven days whether he elects to contest entitlement in this case. *See* 20 C.F.R. §§725.414(a)(3)(iii), 725.497(d). In a July 29, 2026 response to the Board's Order, the Director states he does not oppose Claimant's entitlement to benefits.

² Arch Coal, Incorporated is also known as Arch Resources. Arch has merged with CONSOL Energy and is now known as Core Natural Resources. Employer's Motion to Dismiss at 1 n.2.

Based on the above, the Board dismisses this appeal and remands this case to the district director for the payment of benefits by the Black Lung Disability Trust Fund. *See* 26 U.S.C. §9501(d)(1)(B); 20 C.F.R. §725.1(c), (e).

SO ORDERED.

JONATHAN ROLFE, Acting Chief
Administrative Appeals Judge

DANIEL T. GRESH
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge