



BRB No. 25-0215 BLA
Case No. 2019-BLA-05121

LAWRENCE A. COLEMAN¹

Claimant-Respondent

v.

APOGEE COAL COMPANY, LLC

and

Self-Insured Through ARCH COAL
COMPANY

Employer/Carrier-
Petitioners

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

Party-in-Interest

NOT-PUBLISHED

DATE ISSUED: 08/04/2026

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 The Benefits Review Board recently issued an Order in this case dismissing Apogee Coal Company as the responsible operator and Arch Resources as the responsible insurer. *Coleman v. Apogee Coal Co., LLC*, BRB No. 25-0215 BLA (July 23, 2026). However, that Order erroneously consolidated this case with an unrelated case, *Coleman v. Westbury Coal Mining Partnership*, BRB No. 25-0227 BLA. On July 30, 2026, the Director filed a joint motion requesting that the Board correct the caption. We grant this request and have amended this Order's caption accordingly.

Company, Inc. (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 (Employer) filed a motion to dismiss Apogee Coal Company, self-insured through Arch Resources, as the responsible operator and responsible insurer in these cases pursuant to *Meredith*. On April 7, 2026, the Director, Office of Workers' Compensation Programs (the Director), filed a motion to hold this appeal in abeyance until *Meredith* is not subject to further appeal.

On July 23, 2026, the Board issued an Order denying the Director's motion to hold this appeal in abeyance, granting Employer's motion to dismiss Apogee Coal Company as the responsible operator and Arch Resources as the responsible insurer, and ordering the Director to inform the Board within seven days whether he elects to contest entitlement. *See* 20 C.F.R. §§725.414(a)(3)(iii), 725.497(d). In a July 30, 2026 response to the Board's Order, the Director states he does not oppose Claimant's entitlement to benefits.

² Arch Coal, Inc., 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.1.

In view of 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

MELISSA LIN JONES
Administrative Appeals Judge

GLENN E. ULMER
Administrative Appeals Judge