



BRB No. 25-0390 BLA
Case No. 2024-BLA-05984

SHERMAN RAY SMITH

Claimant-Respondent

v.

ARCH OF WEST VIRGINIA,
INCORPORATED

and

ARCH RESOURCES, INCORPORATED

Employer/Carrier-
Petitioners

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

Party-in-Interest

NOT-PUBLISHED

DATE ISSUED: 07/28/2026

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 Company, Incorporated (Arch)¹ 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

¹ 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.1.

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 Arch of West Virginia, Incorporated, self-insured through Arch Resources (Employer), as the responsible operator in this case pursuant to *Meredith*. On January 23, 2026, the Director, Office of Workers' Compensation Programs (the Director), responded to Employer's motion requesting the Benefits Review Board suspend the briefing schedule in this case until *Meredith* becomes final. Director's Response to Employer's Motion to Dismiss at 1-2. On March 18, 2026, given the "ongoing appellate proceedings in *Meredith*," and to promote consistent and efficient adjudication of appeals presenting similar issues, the Board suspended the briefing schedule in this appeal and held the case in abeyance "pending further order of the Board." Mar. 18, 2026 Order.

On July 20, 2026, the Board issued an Order granting Employer's motion to dismiss it as the responsible operator and insurer and ordered 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 27, 2026 response to the Board's Order, the Director states he does not oppose Claimant's entitlement to benefits.

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.

DANIEL T. GRESH
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge

GLENN E. ULMER
Administrative Appeals Judge