



BRB Nos. 24-0131 BLA and 25-0016 BLA
Case Nos. 2022-BLA-05326 and 2024-BLA-05535

LOTTIE M. BURGESS)
(o/b/o and survivor of OZIE E. BURGESS))

Claimant-Respondent)

v.)

APOGEE COAL COMPANY LLC)

and)

Self-Insured Through ARCH RESOURCES)

Employer/Carrier-)
Respondents)

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

Party-in-Interest)

NOT-PUBLISHED

DATE ISSUED: 06/23/2026

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, Inc. (Arch),¹ the parent company of Hobet Mining, Inc. (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,

¹ 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; Employer's Opposition to the Director's Mot. at 1 n.1.

the subsequent owner and self-insurer of Hobet Mining at the time the claim was filed, went bankrupt. The parties agree that *Meredith* controls these cases.

On October 14, 2025, Core Natural Resources filed a motion to dismiss Apogee Coal Company LLC (Employer), as self-insured through Arch Resources, as the responsible operator and the 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 the appeal in these cases in abeyance until *Meredith* is not subject to further appeal.

On June 8, 2026, the Benefits Review Board issued an Order denying the Director's motion to hold the appeal in these cases in abeyance, granted Employer's motion to dismiss it as the responsible operator, and ordered the Director to inform the Board within seven days whether he elects to contest entitlement in these cases. *See* 20 C.F.R. §§725.414(a)(3)(iii), 725.497(d). In a June 10, 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 these appeals and remands these cases 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, Chief
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge

GLENN E. ULMER
Administrative Appeals Judge