



BRB No. 24-0037 BLA

JERRY DESKINS

Claimant-Respondent

v.

HOBET MINING & CONSTRUCTION  
COMPANY

and

Self-Insured Through ARCH RESOURCES

Employer/Carrier-  
Petitioners

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

Party-in-Interest

**NOT-PUBLISHED**

DATE ISSUED: 05/20/2026

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)<sup>1</sup> 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

---

<sup>1</sup> 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.

self-insurer of Hobet Mining at the time the claim was filed, went bankrupt. The parties agree that *Meredith* controls this case.

On November 24, 2025, Hobet Mining & Construction Company, self-insured through Arch Resources, (Employer) filed a motion to dismiss it 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 to hold the appeal in this case in abeyance until *Meredith* is not subject to further appeal.

On May 7, 2026, the Benefits Review Board issued an Order denying the Director's motion to hold the appeal in this case in abeyance, granted Employer's motion to dismiss it as the responsible operator, and ordered the Director to inform the Board within ten 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 May 18, 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, Chief  
Administrative Appeals Judge

JONATHAN ROLFE  
Administrative Appeals Judge

GLENN E. ULMER  
Administrative Appeals Judge