



BRB No. 21-0058
Case No. 2011-LHC-00257
OWCP No. 10-037531

BRUCE ZIMMER)	
)	
Claimant-Petitioner)	
)	
v.)	
)	
JACK GRAY TRANSPORT)	DATE ISSUED: 12/21/2020
)	
and)	
)	
RELIANCE INSURANCE COMPANY c/o)	
IIGA/GAB ROBINS)	ORDER

Claimant filed a timely notice of appeal of Administrative Law Judge Peter B. Silvain, Jr.’s Order Partially Granting Motion for Reconsideration, which the Benefits Review Board acknowledged on November 9, 2020. On December 14, 2020, Claimant informed the Board that a second timely motion for reconsideration is pending and moved to remand the case for the administrative law judge to address it. See 20 C.F.R. §802.206(b)(1).

Pursuant to 20 C.F.R. §802.206(f), we must dismiss Claimant’s premature appeal without prejudice.¹ See *Aetna Cas. & Sur. Co. v. Director, OWCP*, 97 F.3d 815, 30 BRBS

¹ Section 20 C.F.R. §802.206(f) states:

If a timely motion for reconsideration of a decision or order of an administrative law judge or deputy commissioner is filed, any appeal to the Board, whether filed prior to or subsequent to the filing of the timely motion for reconsideration, shall be dismissed without prejudice as premature.

81(CRT) (5th Cir. 1996). Any aggrieved party may file a new appeal of the administrative law judge's Decision and Order and Orders on Reconsideration with the Board within 30 days after the date the decision on second reconsideration is filed in the office of the district director. 33 U.S.C. §§919(e), 921(a); 20 C.F.R. §§802.205(a), 802.206(d)-(f).

Accordingly, we dismiss Claimant's appeal.

SO ORDERED.

JUDITH S. BOGGS, Chief
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge

Following decision by the administrative law judge or deputy commissioner pursuant to either paragraph (d) or (e) of this section, a new notice of appeal shall be filed with the Clerk of the Board by any party who wishes to appeal. During the pendency of an appeal to the Board, any party having knowledge that a motion for reconsideration of a decision or order of an administrative law judge or deputy commissioner has been filed shall notify the Board of such filing.