



BRB No. 21-0176

DANIEL RYKACZEWSKI)	
)	
Claimant-Respondent)	
)	
v.)	
)	DATE ISSUED: 03/12/2021
CERES MARINE TERMINALS, INCORPORATED)	
)	
Self-Insured)	
Employer-Petitioner)	ORDER

On March 1, 2021, Employer informed the Benefits Review Board that it has filed a Section 22, 33 U.S.C. §922, motion for modification with the district director. Therefore, we dismiss Employer’s appeal without prejudice. 20 C.F.R. §802.301(c).

Employer’s appeal will be reinstated by the Board only if it requests reinstatement within 30 days from the date the decision on modification is filed in the district director’s office. The request for reinstatement must be identified with the Board’s docket number assigned to this case, BRB No. 21-0176, and served on all parties. If Employer’s original appeal is reinstated, the Board will address only issues arising from the administrative law judge’s December 21, 2020 Decision and Order Granting Benefits. 20 C.F.R. §802.301(c).

Any party aggrieved by a decision on modification may file a notice of appeal thereof within 30 days of the date the decision on modification is filed in the district director’s office. 33 U.S.C. §921(a); 20 C.F.R. §§802.205, 802.301(c). This appeal will be assigned a new docket number and will be consolidated with any reinstated appeal of the original decision.

Accordingly, Employer's appeal is dismissed without prejudice and the case is remanded to the district director for modification proceedings. 33 U.S.C. §922; 20 C.F.R. §§702.373, 801.301(c).

We deny Claimant's motion to dismiss Employer's appeal with prejudice as abandoned. 20 C.F.R. §802.402. Within 30 days of the Board's acknowledgement of its appeal, Employer filed a motion for an enlargement of time in which to file its Petition for Review and brief. 20 C.F.R. §802.217(b). The Board has not acted on this motion, which is now moot.

SO ORDERED.

JUDITH S. BOGGS, Chief
Administrative Appeals Judge

GREG J. BUZZARD
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge