

BRB No. 11-0775 BLA  
Case No. 09-BLA-5761

JAMES EDMISTON	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	
	)	
SCANT BRANCH COAL COMPANY	)	
	)	
and	)	
	)	
AMERICAN INTERNATIONAL SOUTH	)	DATE ISSUED: 04/04/2012
INSURANCE COMPANY/CHARTIS	)	
	)	
Employer/Carrier-	)	
Petitioners	)	
	)	
DIRECTOR, OFFICE OF WORKERS'	)	
COMPENSATION PROGRAMS, UNITED	)	
STATES DEPARTMENT OF LABOR	)	
	)	
Party-in-Interest	)	ORDER OF DISMISSAL

The Director, Office of Workers' Compensation Programs (the Director), has filed a Motion to Dismiss Scant Branch Coal Company and Remand for Payment of Benefits by the Black Lung Disability Trust Fund. No objection to the motion has been received.

In support of the motion, the Director states that the evidence of record does not support a finding that claimant worked for Scant Branch Coal Company (employer) as a coal miner for one full calendar year and, therefore, employer does not meet the criteria to be identified as a potentially liable operator pursuant to 20 C.F.R. §725.494(c). The Director states that the Black Lung Disability Trust Fund (Trust Fund) accepts liability in this case and, further, does not contest entitlement to benefits. Consequently, the Director moves that employer be dismissed as the responsible operator and that the claim be remanded to the district director for payment of benefits by the Trust Fund.

Accordingly, we grant the Director's motion to dismiss employer as responsible operator and remand this case to the district director for payment of benefits from the Black Lung Disability Trust Fund. 20 C.F.R. §725.497(c)(d).

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ROY P. SMITH  
Administrative Appeals Judge

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BETTY JEAN HALL  
Administrative Appeals Judge

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JUDITH S. BOGGS  
Administrative Appeals Judge