

U.S. Department of Labor

Benefits Review Board
P.O. Box 37601
Washington, DC 20013-7601



BRB No. 15-0282 BLA

LUTHER FLETCHER)	
)	
Claimant-Petitioner)	
)	
v.)	
)	
APOGEE COAL COMPANY)	
)	
and)	
)	
MAGNUM COAL COMPANY)	DATE ISSUED: 08/30/2016
c/o WELLS FARGO DISABILITY)	
MANAGEMENT)	
)	
Employer/Carrier-)	
Respondents)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Party-in-Interest)	ORDER

Counsel for employer/carrier (employer), Greenberg Traurig, LLP, has filed a Notice of Bankruptcy and Withdrawal of Counsel. Counsel states that employer's parent company, Patriot Coal Corporation, has been reorganized in bankruptcy and is being liquidated. Notice of Bankruptcy and Withdrawal of Counsel at 1. Counsel further states that employer is "no longer the responsible party" for the payment of benefits under the Black Lung Benefits Act, 30 U.S.C. §§901-944 (2012). *Id.*

The Director, Office of Workers' Compensation Programs (the Director), has filed a Motion to Remand for Payment of Benefits by the Black Lung Disability Trust Fund (the Trust Fund). The Director states that the Trust Fund accepts liability for this claim and does not contest claimant's entitlement to benefits. Director's Motion to Remand at 1-2. Accordingly, the Director requests that this case be dismissed and remanded to the district director for the payment of benefits by the Trust Fund. *Id.*

In view of the above, the Board grants the Director's motion, dismisses this case, and remands this case to the district director for the payment of benefits by the Trust Fund. *See* 26 U.S.C. §9501(d)(1)(B); 20 C.F.R. §725.1(c), (e).

SO ORDERED.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

JUDITH S. BOGGS
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge