



BRB Nos. 18-0610 BLA  
and 19-0068 BLA

JOHNNY P. CLINE	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	
	)	
LAKE ENERGY, INCORPORATED	)	
	)	
and	)	
	)	
WEST VIRGINIA COAL WORKERS'	)	DATE ISSUED: 01/29/2020
PNEUMOCONIOSIS FUND	)	
	)	
Employer/Carrier-	)	
Petitioners	)	
	)	
DIRECTOR, OFFICE OF WORKERS'	)	
COMPENSATION PROGRAMS, UNITED	)	
STATES DEPARTMENT OF LABOR	)	
	)	
Party-in-Interest	)	ORDER

In this appeal employer filed, the Board has been unable to obtain the complete record. All the Director's Exhibits and the Post-hearing Briefs for this overpayment case are missing. The Board requested these exhibits from the parties.

The Board is still in need of these exhibits in order to determine if the administrative law judge exceeded the scope of her authority in finding that an offset in federal black lung benefits for claimant's state workers' compensation award can be waived. The Board has again contacted the parties and made a diligent effort to obtain the relevant documents, but without success. The Board must have the complete record from the proceedings below before it can consider the merits on appeal.

Accordingly, this case is dismissed and remanded to the Office of the District Director for reconstruction of the record. The District Director is ordered to reconstruct the record or in the alternative, refer the case to the Office of Administrative Law Judges for a new hearing. Once the record is reconstructed, the District Director should forward it to the Board, and the case will be reinstated on the Board's docket.

SO ORDERED.

JUDITH S. BOGGS, Chief  
Administrative Appeals Judge

JONATHAN ROLFE  
Administrative Appeals Judge

DANIEL T. GRESH  
Administrative Appeals Judge