

U.S. Department of Labor

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



BRB No. 15-0451 BLA

MILDRED HARMAN)
(o/b/o JOHN HARMAN))
)
Claimant-Petitioner)
)
v.)
)
HERITAGE COAL COMPANY)
f/k/a PATRIOT COAL COMPANY)
) DATE ISSUED: 07/18/2016
and)
)
OLD REPUBLIC INSURANCE COMPANY)
)
Employer/Carrier-)
Respondents)
)
DIRECTOR, OFFICE OF WORKERS')
COMPENSATION PROGRAMS, UNITED)
STATES DEPARTMENT OF LABOR)
)
Party-in-Interest) ORDER

Claimant has appealed the Decision and Order (11-BLA-5741) of Administrative Law Judge Peter B. Silvain, Jr., denying benefits on a claim filed pursuant to the provisions of the Black Lung Benefits Act, 30 U.S.C. §§901-944 (2012) (the Act).

Counsel for employer/carrier (employer), Bowles Rice LLP, has filed a Notice of Effective Date of Bankruptcy and Withdrawal of Counsel (Notice). Counsel states that employer's parent company, Patriot Coal Corporation (Patriot Coal), has been reorganized in bankruptcy and is being liquidated. Notice at 1. Counsel further states

that employer “no longer meet[s] the criteria for being the responsible operator” for the payment of benefits under the Act. *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 notes that employer was self-insured through Patriot Coal, which is now in bankruptcy. Motion to Remand at 1. The Director further states that the Trust Fund accepts liability for this claim and does not contest claimant’s entitlement to benefits. *Id.* The Director requests that this case be dismissed and remanded to the district director for the payment of benefits by the Trust Fund. Motion to Remand at 2.

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

JUDITH S. BOGGS
Administrative Appeals Judge

RYAN GILLIGAN
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge