

U.S. Department of Labor

Benefits Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



BRB No. 18-0094 BLA
Case No. 2017-BLA-05230

WARD PLETCHER, JR.)	
)	
Claimant-Respondent)	
)	
v.)	
)	
HOBET MINING LLC)	
)	
and)	
)	
ARCH COAL, INCORPORATED)	DATE ISSUED: 06/27/2018
)	
Employer/Carrier-)	
Petitioners)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Party-in-Interest)	ORDER

On April 13, 2018, the Board ordered the parties to show cause within ten (10) days of receipt of the Board’s Order why this case should not be remanded for the administrative law judge to reconsider the substantive and procedural actions previously taken and to issue a decision on the merits accordingly. The Director, Office of Workers’ Compensation Programs, responds that she does not object to the case being remanded. Claimant responds and agrees that remand is necessary. Employer/carrier has not filed a response to the Order to Show Cause.

Upon consideration of the positions of the parties, and in light of the recent decision of the United States Supreme Court in *Lucia v. SEC*, 585 U.S. , 2018 WL 3057893 (June 21, 2018), we agree that under these circumstances the proper course of action is to remand this case to the Office of Administrative Law Judges (OALJ) for further action. 20 C.F.R.

§802.405(a). Any party adversely affected by the decision of the OALJ may file a new appeal with the Board within thirty (30) days of the date that the decision is filed with the district director. 20 C.F.R. §802.205.

Accordingly, this case is remanded to the OALJ for further proceedings consistent with this Order.

SO ORDERED.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

JUDITH S. BOGGS
Administrative Appeals Judge

RYAN GILLIGAN
Administrative Appeals Judge