

BRB No. 04-0518 BLA
Case No. 01-BLA-0696

VIOLET E. KING)	
(Widow of JERRY R. KING))	
)	
Claimant-Petitioner)	DATE ISSUED:
03/29/2004)	
)	
v.)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Respondent)	ORDER

The Board acknowledges receipt of claimant's Notice of Appeal postmarked March 15, 2004, of the administrative law judge's Decision and Order On Remand Denying Benefits filed in the Office of the District Director on February 10, 2004. Claimant's appeal is assigned BRB No. 04-0518 BLA. All future correspondence must bear this number.

Section 802.205 of the Board's Rules of Practice and Procedure, 20 C.F.R. §802.205(b), provides that a Notice of Appeal must be filed within thirty (30) days from the date upon which the Decision and Order was filed in the Office of the District Director.

As stated above, the administrative law judge's Decision and Order was filed in the Office of the District Director on February 10, 2004. The thirty (30) day filing period expired on Thursday, March 11, 2004. Claimant's Notice of Appeal should have been filed no later than March 11, 2004. Claimant's appeal postmarked March 15, 2004, was received by the Board on March 18, 2004.

Inasmuch as claimant's Notice of Appeal was neither received by the Board nor postmarked on or before March 11, 2004, claimant's appeal is untimely filed and is dismissed. 33 U.S.C. §921(c), 30 U.S.C. §932(a); 20 C.F.R. §802.205.

Claimant has also forwarded additional documents with copies of letters from Karen King Nogle dated February 4, 2004 and March 2, 2004. Claimant is advised that the Board's scope of review is limited to the record developed at the hearing before the administrative law judge. 20 C.F.R. §802.301. The copy of

letters dated February 4, 2004 and March 2, 2004 with additional documents, are being returned to claimant with this Order.

If claimant has additional evidence, which establishes a change in condition or a mistake of fact in the administrative law judge's decision, claimant may file for modification from the Office of the District Director. A copy of the procedures claimant should follow if he wishes to seek modification is enclosed with this Order.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge