

BRB No. 03-699 BLA  
Case No. 97-BLA-0043

EUGENE HAMBLIN	)	
	)	
Claimant-Respondent	)	DATE ISSUED: <u>November 25, 2003</u>
	)	
EASTERN ASSOCIATED COAL	)	
CORPORATION	)	
	)	
Employer-Petitioner	)	
	)	
DIRECTOR, OFFICE OF WORKERS'	)	
COMPENSATION PROGRAMS, UNITED )	)	
STATES DEPARTMENT OF LABOR	)	
	)	
Party-in-Interest	)	ORDER

On November 6, 2003, the Board received the Director's request to dismiss the captioned appeal and remand the case to the Office of the District Director for payment of benefits. The Director states that the administrative law judge erroneously found that Eastern Associated Coal Corporation was liable for claimant's benefits. The Director further states that after review of the record and applicable law, there is no basis existing for imposing liability on the responsible operator in this claim and, therefore, acknowledges that claimant is entitled to black lung disability benefits payable by the Black Lung Disability Trust Fund.

Accordingly, the Board grants the Director's motion and remands this case to the district

director for payment of benefits to claimant. *See Pendley v. Director, OWCP*, 13 BLR 1-23 (1989).

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NANCY S. DOLDER, Chief  
Administrative Appeals Judge

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BETTY JEAN HALL  
Administrative Appeals Judge

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PETER A. GABAUER, Jr  
Administrative Appeals Judge