

BRB No. 04-0909 BLA
Case No. 02-BLA-5333

SHERRI SCHAMBACH (o/b/o)
LOUIS SWABADO))
)
)
Claimant-Petitioner) DATE ISSUED: November 30, 2004
)
)
v.)
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)
DIRECTOR, OFFICE OF WORKERS')
COMPENSATION PROGRAMS, UNITED)
STATES DEPARTMENT OF LABOR)
)
Respondent) ORDER

The Director, Office of Workers' Compensation Programs (the Director), has filed a Motion to Remand for Payment of Benefits, requesting that the Board vacate the August 18, 2004, Decision and Order Denying Benefits of Administrative Law Judge Michael P. Lesniak, and remand for the payment of benefits by the Black Lung Disability Trust Fund. In the captioned case, claimant has appealed the Decision and Order Denying Benefits (02-BLA-5333) issued by Administrative Law Judge Michael P. Lesniak, on a claim filed pursuant to the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended. 30 U.S.C. §901 *et seq.* (the Act).

The Board accepts the Director's Motion to Remand for Payment of Benefits as a withdrawal of controversion of all issues. *See Pendley v. Director, OWCP*, 13 BLR 1-23 (1989). Accordingly, we grant the Director's motion and remand this case to the district director for payment of benefits to claimant.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge