



BRB No. 18-0392 BLA  
Case No. 2012-BLA-05030

ROY J. McKINNEY	)	
	)	
Claimant-Respondent	)	
	)	
v.	)	
	)	
WESTMORELAND COAL COMPANY	)	DATE ISSUED: 11/22/2019
	)	
Employer-Petitioner	)	
	)	
DIRECTOR, OFFICE OF WORKERS'	)	
COMPENSATION PROGRAMS, UNITED	)	
STATES DEPARTMENT OF LABOR	)	
	)	
Party-in-Interest	)	ORDER

On August 19, 2019, counsel for employer filed a Notice of Bankruptcy and Withdrawal of Counsel, informing the Board that due to employer’s Chapter 11 plan, it no longer has sufficient assets to satisfy this black lung claim. In response, on November 14, 2019, the Director, Office of Workers’ Compensation Programs (the Director), filed a Motion to Remand for Payment of Benefits by the Black Lung Disability Trust Fund (the Trust Fund). The Director states that the Trust Fund accepts liability for this claim and does not contest claimant’s entitlement to benefits. The Director requests that the Board dismiss the appeal, and remand this case to the district director for the payment of benefits by the Trust Fund.

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

SO ORDERED.

JUDITH S. BOGGS, Chief  
Administrative Appeals Judge

GREG J. BUZZARD  
Administrative Appeals Judge

JONATHAN ROLFE  
Administrative Appeals Judge