

BRB No. 04-935 BLA  
Case No. 03-BLA-5982

ANTHONY DZIABO )  
 ) DATE ISSUED: October 19, 2004  
 Claimant-Respondent )  
 )  
 v. )  
 )  
 BETHENERGY MINES, INC. )  
 )  
 Employer-Petitioner )  
 )  
 DIRECTOR, OFFICE OF WORKERS' )  
 COMPENSATION PROGRAMS, )  
 UNITED STATES DEPARTMENT )  
 OF LABOR )  
 )  
 Party-in-Interest ) ORDER

By Motion dated October 8, 2004, counsel for employer requested that the Board dismiss its appeal in the captioned case. 20 C.F.R. §802.401(a).

The Board grants employer's motion and dismisses its appeal. 20 C.F.R. §802.401(a).

By Order of the Board:

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Thomas O. Shepherd, Jr.  
Clerk of the Board