

BRB No. 04-0902 BLA
Case No. 04-BLA-5015

CHARLIE GOINS)	
)	
Claimant-Petitioner)	DATE ISSUED: <u>September 27, 2004</u>
)	
v.)	
)	
ROCKET COAL COMPANY, INC.)	
)	
and)	
)	
AMERICAN RESOURCES INSURANCE COMPANY)	
)	
Employer/Carrier- Respondent)	
)	
DIRECTOR, OFFICE WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR)	
)	
Party-in-Interest)	ORDER

The Board acknowledges receipt of claimant's appeal postmarked August 17, 2004, and filed in the Office of Administrative Law Judges on August 20, 2004. Claimant appeals the administrative law judge's Order Remanding Claim dated June 7, 2004, and Decision and Order Denying Petition for Reconsideration dated August 11, 2004. This appeal has been assigned BRB No. 04-0902 BLA. All future correspondence must bear this number.

Claimant's appeal of the administrative law judge's Orders, is interlocutory in nature. Under certain limited circumstances, the Board will consider an interlocutory appeal. The appeal must meet the following three-pronged test. First, the order must conclusively determine the disputed question. Secondly, the order must resolve an important issue which is completely separate from the merits of the case. Finally, the order must be effectively unreviewable on appeal from a final judgment. *See Canada Coal Co. v. Stiltner*, 866 F.2d 153 (6th Cir.1989); *See also Gulfstream Aerospace Corp. v. Mayacamus Corp.*, 485 U.S. 271, 108 S.Ct. 1133 (1988).

Inasmuch as the administrative law judge's Orders dated June 7, 2004, and August 11, 2004, do not meet the three-pronged test, the Board dismisses claimant's appeal.

Any party aggrieved by the administrative law judge's decision on the merits of the case must

file a new appeal with the Board within thirty (30) days of the date the administrative law judge's decision on the merits is filed. 20 C.F.R. §802.205.

Service of this Order has been made on all parties, the Solicitor of Labor and the District Director.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge