

BRB No. 04-0918  
Case No. 03-LHC-1015  
OWCP No. 06-0185362

GARNETT G. MURRAY	)	
	)	
Claimant-Petitioner	)	DATE ISSUED:
09/29/2004	)	
	)	
v.	)	
	)	
UNIVERSAL MARITIME SERVICE COMPANY	)	
	)	
and	)	
	)	
SIGNAL MUTUAL INDEMNITY ASSOCIATION	)	
	)	
Employer/Carrier- Respondents	)	ORDER

On September 2, 2004, claimant filed a Notice of Appeal of the administrative law judge's Decision and Order filed August 4, 2004. By letter dated September 10, 2004, the Board acknowledged claimant's appeal, BRB No. 04-0918, and set the briefing schedule.

On September 21, 2004, employer filed a motion to dismiss claimant's appeal. In support of the motion, counsel states a timely motion for reconsideration has been filed by employer with the Office of Administrative Law Judges.

Section 802.206(f) of the Board's Rules of Practice and Procedures, 20 C.F.R. §802.206(f), provides that if a timely motion for reconsideration of a Decision and Order of an administrative law judge is filed, any appeal to the Board, whether filed prior to or subsequent to the filing of the timely motion for

reconsideration, shall be dismissed as premature. Following a decision by the administrative law judge, any party who wishes to appeal shall file a new Notice of Appeal with the Board. In light of the foregoing, the Board grants employer's motion and dismisses claimant's appeal as premature.

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NANCY S. DOLDER, Chief  
Administrative Appeals Judge

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ROY P. SMITH  
Administrative Appeals Judge

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BETTY JEAN HALL  
Administrative Appeals Judge