

BRB Nos. 04-136 and 04-316
Case Nos.00-LHC-03381, 00-LHC-03382
00-LHC-03383, 01-LHC-01667, 01-LHC-01668,
01-LHC-01669, 01-LHC-01670, 01-LHC-01671, 01-LHC-01672,
01-LHC-01673, 01-LHC-01674, 01-LHC-01675, and 01-LHC-01676
OWCP Nos. 01-127510, 01-149177, 01-14978, 01-149179, 01-149180,
01-149181, 01-149182, 01-149206, 01-149207, 01-149208,
01-149209, 01-149210, 01-149211

SAMUEL B. TUCKER, JR.)

Claimant-Respondent)

v.)

THAMES VALLEY STEEL)

and)

HARTFORD INSURANCE)

)DATE ISSUED: February 23, 2004

COMPANY)

Employer/Carrier-)
Petitioners)

and)

STANDARD STRUCTURAL STEEL)

and)

ELECTRIC BOAT CORPORATION)

and)

UNITED STATES STEEL, L.L.C.)

Employers-Respondents)

and

INSURANCE COMPANY OF)
 NORTH AMERICA/ACE USA)
)
 and)
)
 LIBERTY MUTUAL INSURANCE)
 COMPANY)
)
 Carriers-Respondents) ORDER

On December 12, 2003, the Board issued an Order acknowledging Thames Valley Steel and Hartford Insurance Company's (hereinafter employer) Notice of Appeal of the administrative law Judge's October 2, 2003, Decision and Order Awarding Benefits and Denying Special Fund Relief and Order Granting in Part and Denying in Part Motions for Reconsideration and Supplement Decision and Order on Reconsideration. In that Order, the Board also denied employer's request for stay of payment and assigned the appeal, the Board's docket number BRB No. 04-136.

The Board, however, notes that the employer had filed a second request for reconsideration with the administrative law judge. The administrative law judge issued an Order on December 17, 2003, denying employer's second motion for reconsideration.

Section 802.206(f) of the Board's Rules of Practice and Procedure, 20 C.F.R. §802.206(f), provides that if a timely motion for reconsideration of a decision or 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. Inasmuch as a timely request for reconsideration was filed with the administrative law judge, the appeal is considered premature. Accordingly, the Board dismisses employer's appeal, BRB No. 04-136, as prematurely filed.

Subsequently, on December 23, 2003, employer renewed its request for an appeal of the administrative law judge's Erratum Order, filed November 24, 2003, and the Order Denying Respondent Thames Valley Steel's Second Motion for Reconsideration, which was dated and issued December 17, 2003. The Board construes employer's appeal to be of the administrative law judge's Decision and Order filed October 2, 2003, the Supplemental Decision and Order on Reconsideration filed November 6, 2003, Errata Order filed November 24, 2003, and the Order on Reconsideration, which was issued Order December 17, 2003. Employer's appeal is assigned the Board's docket number BRB No. 04-316. All future correspondence referred to the Board must bear this number.

The Board has received employer's Petition for Review and brief addressing the issues raised in the administrative law judges Decisions and Orders. The Board accepts the Petition for Review and brief as part of the record. 20 C.F.R. §802.211. Employer, Standard Structural Steel and Liberty Mutual Insurance Company, also filed its response brief, which is also accepted as part of the record. 20 C.F.R. §802.212.

A reply brief may be filed within twenty (20) days from receipt of this Order. 20 C.F.R. §802.213.

The official case record has been received from the Office of the District Director and is hereby transferred to BRB No. 04-316.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge

