

BRB No. 04-0312
OWCP No. 01-0150968

CHRISTOPHER GRAHAM)
)
 Claimant-Respondent) DATE ISSUED: February 12, 2004
)
 v.)
)
 LOGISTEC OF CT., INC.)
)
 and)
)
 SIGNAL MUTUAL INDEMNITY)
 ASSOCIATION)
)
 Employer/Carrier-)
 Petitioners) ORDER

The Board acknowledges receipt of employer's Notice of Appeal of the district director's Findings of Fact and Order awarding attorney's fees dated and filed November 24, 2003. Employer's appeal has been assigned BRB No. 04-0312. All future correspondence must bear this number.

By letter dated January 28, 2004, employer advised the Board that on January 26, 2004, the district director issued an Amended Compensation Order Award of Attorney's Fees Upon Remand. In his Order, the district director considered employer's timely filed motion for reconsideration of the Order issued November 24, 2003. Employer, therefore, requests that his Notice of Appeal be withdrawn.

Section 802.206(f) of the Board's Rules of Practice and Procedure states that if a timely motion for reconsideration of a decision or order of a deputy commissioner is filed, any appeal to the Board, whether filed prior to or subsequent to the filing of a timely motion for reconsideration shall be dismissed as premature. 20 C.F.R. ' 802.206(f). Accordingly, the Board dismisses this appeal as premature.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge