

BRB No. 04-399  
Case No. 95-LHC-1175

RICHARD McBRIDE )  
 )  
 Claimant-Petitioner ) DATE ISSUED: February 10, 2004  
 )  
 v. )  
 )  
 HALTER MARINE, INCORPORATED )  
 )  
 and )  
 )  
 RELIANCE NATIONAL INSURANCE )  
 COMPANY )  
 MISSISSIPPI INSURANCE GUARANTY )  
 ASSOCIATION )  
 )  
 Employer/Carrier- )  
 Respondents ) ORDER

The Board acknowledges receipt of claimant's Notice of Appeal of the administrative law judge's Decision and Order filed January 13, 2004. This appeal is assigned BRB No. 04-399. Employer has informed the Board that claimant has filed a Motion for Reconsideration with the Office of the Administrative Law Judges. Employer has also requested that the Board dismiss claimant's appeal as premature.

Pursuant to 20 C.F.R. §802.206(f) of the Board's Rules of Practice and Procedure, 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 a timely motion for reconsideration, shall be dismissed as premature. Accordingly, the Board grants employer's motion and dismisses claimant's appeal BRB No. 04-399 as premature. 20 C.F.R. §802.206(f).

If any party remains aggrieved after the issuance of the administrative law judge's decision on

reconsideration, a new appeal must be filed with the Board within thirty (30) days of the date the Order on reconsideration is issued by the administrative law judge. 20 C.F.R. §802.205.

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NANCY S. DOLDER, Chief  
Administrative Appeals Judge

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BETTY JEAN HALL  
Administrative Appeals Judge

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PETER A. GABAUER, Jr.  
Administrative Appeals Judge