

BRB No. 12-0192
OWCP Nos. 02-191444
through 02-191473

IN RE: ORDER ASSESSING PENALTY)
AGAINST THE SANDI GROUP/)
CORPORATE BANK FINANCIAL) DATE ISSUED: 02/10/2012
SERVICES)
)
Employer-Petitioner) ORDER

Employer has filed a timely appeal of the December 7, 2011 Order (Case Nos. 02-191444 through 02-191473) of District Director Richard V. Robillotti, assessing a \$270,000 penalty on employer pursuant to 33 U.S.C. §930(e) of the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. §901 *et seq.* 33 U.S.C. §921(a); 20 C.F.R. §802.205. This appeal is assigned BRB No. 12-1092. 20 C.F.R. §802.210. All correspondence relating to this appeal must bear this number.

The Director, Office of Workers' Compensation Programs (the Director), has filed a motion to dismiss employer's appeal, 20 C.F.R. §802.219, and employer has stated that its appeal was protective in nature as it avers that jurisdiction over this matter properly lies with the Office of Administrative Law Judges. We agree that the Board lacks jurisdiction over this appeal. The basis for the district director's determination that employer is liable for a Section 30(e) penalty is that employer has ostensibly failed to comply with the Act's requirements pertaining to the filing of injury-related reports, set forth in subsections (a) through (d) of Section 30, 33 U.S.C. §930(a)-(d). A disposition of employer's challenge to the district director's determination will thus necessitate findings of fact relevant to whether employer has in fact failed to comply with the requisite filing requirements. Accordingly, jurisdiction over this case properly lies within the Office of Administrative Law Judges. *See generally* 20 C.F.R. §802.301(a); *Anweiler v. Avondale Shipyards*, 21 BRBS 271 (1988).

Employer's appeal is, therefore, dismissed, and the case is remanded to the district director for referral to the Office of Administrative Law Judges. 20 C.F.R. §802.219(h).

SO ORDERED.

NANCY S. DOLDER, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge