

BRB No. 04-240  
OWCP No. 1-143178

SAMUEL E. DEFRANK )  
 )  
 Claimant-Petitioner ) DATE ISSUED: 01/23/2004  
 )  
 v. )  
 )  
 ELECTRIC BOAT CORPORATION )  
 )  
 Employer-Respondent ) ORDER

The Board acknowledges receipt of claimant's Notice of Appeal of the district director's Compensation Order Awarding Attorney Fees filed October 17, 2003. Claimant's appeal is assigned the Board's docket number, BRB No. 04-240.

Claimant notes in his appeal that Motion for Reconsideration was filed with the Office of the District Director.

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 or order of an administrative law judge or district director 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.

In light of the pending Motion for Reconsideration, claimant's Notice of Appeal is dismissed as premature. 20 C.F.R. §802.206(f).

Any party remaining aggrieved after the district director issues a decision or order on

reconsideration must file a Notice of Appeal within thirty (30) days of the date the decision or order on reconsideration is filed. 20 C.F.R. §§802.205, 802.216.

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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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PETER A. GABAUER, JR.  
Administrative Appeals Judge