

BRB Nos. 04-396
and 04-396 A
Case No. 02-LHC-2722

KEVIN HILL)
)
 Claimant-Respondent) DATE ISSUED: March 11, 2004
 Cross-Petitioner)
)
 v.)
)
 GULF COAST FABRICATIONS)
)
 and)
)
 RELIANCE NATIONAL INDEMNITY)
 COMPANY)
)
 Employer/Carrier-)
 Petitioner)
 Cross-Respondent) ORDER

On February 5, 2004, the Board acknowledged employer's appeal of the administrative law judge's Decision and Order filed January 16, 2004. Employer's appeal was assigned BRB No. 04-396.

On February 9, 2004, the Board received claimant's appeal of the administrative law judge's Decision and Order filed January 16, 2004. Claimant's appeal was assigned BRB No. 04-396 A.

Subsequently, on February 17, 2004, the Board received employer's request to remand BRB No. 04-396, to the Office of the Administrative Law Judges for modification proceedings. The Board hereby grants employer's motion, dismisses the appeal in BRB No. 04-396, and remands the case to the administrative law judge's for modification proceedings.

If the administrative law judge denies modification, the case may be reinstated on the Board's docket. The Board will reinstate the case only if the petitioner requests reinstatement. The request for reinstatement must be filed with the Board within thirty (30) days from the date the Order on modification is filed and must be identified by BRB No. 04-396. If reinstatement is requested, the Board will reconsider only the issues raised in claimant's appeal of the Decision and Order filed January 16, 2004.

In the event the administrative law judge denies modification and claimant wishes the Board to consider not only the original appeal, but also whether the administrative law judge erred in denying modification, a Notice of Appeal of the Order denying modification must also be filed with the request for reinstatement. The Notice of Appeal must also be filed with the Board within thirty (30) days of the date the Order on modification will be filed. 20 C.F.R. ' 802.205. The appeal of the Order on modification will be assigned a new BRB number and will be consolidated with BRB No. 04-396.

In the event the administrative law judge grants modification, any party who is aggrieved by the Order granting modification may file an appeal with the Board within thirty (30) days of the date the Order granting modification is filed.

Claimant's appeal in BRB No. 04-396 A, remains pending before the Board. The Board has received claimant's Petition for Review and brief, which is accepted as part of the record. 20 C.F.R. §802.211.

A response brief may be filed within thirty (30) days from receipt of this Order. 20 C.F.R. §802.212.

ROY P. SMITH
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge