BRB No. 06-0405

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| CHARLOTTE VIGGIANO<br>(Widow of JOHN VIGGIANO)<br><br>Claimant-Petitioner<br><br>v.<br><br>DEL MONTE TROPICAL FRUIT COMPANY<br><br>and<br><br>LUMBERMAN'S MUTUAL CASUALTY COMPANY<br><br>Employer/Carrier-Respondents | ) | DATE ISSUED: 03/03/2006<br><br>ORDER |

Claimant has filed a Notice of Appeal with the Board, contending that the district director's failure to act on her counsel's December 10, 2003, petition for an attorney's fee is tantamount to a denial of an attorney's fee. This appeal is assigned BRB No. 06-0405. All further correspondence with the Board concerning this appeal should reference this number.

We dismiss claimant's appeal, as the district director has not issued a decision awarding or denying an attorney's fee or sent any correspondence that could be construed as a final action on the attorney's fee petition. As a decision has not been issued, the Board lacks jurisdiction over this appeal. *See* 33 U.S.C. §921(b); 20 C.F.R. 802.201; s*ee generally Healy Tibbitts Builders, Inc. v. Cabral*, 201 F.3d

1090, 33 BRBS 209(CRT) (9th Cir.), *cert. denied*, 531 U.S. 956 (2000). Claimant is advised to file with the district director a motion seeking action on her fee petition.

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NANCY S. DOLDER, Chief
Administrative Appeals Judge

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REGINA C. McGRANERY
Administrative Appeals Judge

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JUDITH S. BOGGS
Administrative Appeals Judge