

BRB No. 03-850
Case No. 02-LHC-0230
OWCP No. 06-0185118

LESLIE LEE LEWIS)
) DATE ISSUED: Oct. 7, 2003
 Claimant-Petitioner)
)
 v.)
)
 UNIVERSAL MARITIME SERVICE)
)
 and)
)
 SIGNAL MUTUAL INDEMNITY)
 ASSOCIATION)
)
 Employer/Carrier-)
 Respondent) ORDER
)

The Board acknowledges receipt of claimant=s Notice of Appeal of the administrative law judge=s Decision and Order filed in the Office of the District Director on August 15, 2003. 20 C.F.R. ' 802.205. Claimant=s appeal is assigned the Board=s docket number, BRB No. 03-850.

The Board also received an amendment to claimant=s appeal.

Section 802.205 of the Board=s Rules of Practice and Procedure, 20 C.F.R. ' 802.205, provides that a Notice of Appeal must be filed within thirty (30) days from the date upon which the decision and order was filed in the Office of the District Director. In addition, Section 802.207(b) provides that if a Notice of Appeal is sent by mail and the fixing of the date of delivery, as the date of filing would result in a loss or impairment of appeal rights, the appeal will be considered to have been filed as of the date of mailing. The date appearing on the U.S. Postal Service postmark shall be prima facie evidence of the date of mailing. 20 C.F.R. ' 802.207(b).

Finally, Section 802.221(a) of the Board's Rules also provides that whenever the last day of the filing period falls on a Saturday, Sunday or legal holiday, the time for filing an appeal shall be extended to the next day that is not a Saturday, Sunday or legal holiday. 20 C.F.R. ' ' 802.221.

The administrative law judge's Decision and Order was filed in the Office of the District Director on August 15, 2003. Therefore, since the period of filing an appeal ended on Sunday, September 14, 2003, the period was extended to Monday, September 15, 2003.

Claimant's Notice of Appeal is postmarked September 16, 2003, and was received by the Board on September 24, 2003. Claimant's appeal should have been filed on or before September 15, 2003. Accordingly, claimant's appeal is dismissed as untimely filed. 20 C.F.R. ' 802.205.

ROY P. SMITH
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge