

B.S. )  
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 Claimant-Petitioner )  
 )  
 v. )  
 )  
 DYNCORP )  
 )  
 and )  
 )  
 AIG WORLD SOURCE ) DATE ISSUED: 10/30/2008  
 )  
 Employer/Carrier- )  
 Respondents )  
 )  
 DIRECTOR, OFFICE OF WORKERS' )  
 COMPENSATION PROGRAMS, UNITED )  
 STATES DEPARTMENT OF LABOR )  
 )  
 Party-in-Interest ) ORDER

Claimant appeals the April 2, 2008, letter of the claims examiner refusing to schedule an informal conference on claimant's claim that employer is liable for additional medical expenses incurred for the treatment of claimant's work-related shoulder injury. Employer has stated that it will not be filing a response brief. The Director, Office of Workers' Compensation Programs (the Director), has filed a motion to dismiss claimant's appeal as the district director did not take any "final appealable action" that adversely affects or aggrieves claimant. Claimant has responded to the Director's motion to dismiss, contending the Board should entertain his appeal.<sup>1</sup> We grant the Director's motion to dismiss.

Claimant sustained a work injury to his right shoulder on August 15, 2006, during his employment at Bagram Air Force Base in Afghanistan. Claimant has some medical

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<sup>1</sup> We reject claimant's contention that the Director's motion to dismiss was not timely filed. A motion must be a separate document and may be filed at any time during the proceedings. 20 C.F.R. §802.219.

bills which he alleged employer has refused to pay. On March 27, 2008, claimant sent a letter to the district director requesting an informal conference and attaching medical bills which were written entirely in German. On April 2, 2008, a claims examiner wrote to claimant's counsel that his request for an informal conference was premature based on the materials he submitted. The claims examiner requested that employer respond to inform him of the status of the unpaid bills. Claimant filed an immediate appeal with the Board on April 8, 2008. In response, the claims examiner reiterated on May 1, 2008, that the request was premature as the documents are in German and as he was awaiting employer's response regarding the status of the bills.

The claims examiner's letter stating that the scheduling of an informal conference is premature is not a "final appealable action" by the district director. *See Maria v. Del Monte/Southern Stevedore*, 22 BRBS 132 (1989) (*en banc*), *vacating on reconsideration* 21 BRBS 16 (1988). The district director did not refuse to hold an informal conference or purport to decide the compensability of the medical bills. Rather, the claims examiner's letters merely request additional information from employer regarding the status of its payment of medical bills and note that claimant's claim was currently unverifiable as the bills are not translated into English. Thus, the district director has not taken any action that "adversely affects or aggrieves" claimant, *see* 20 C.F.R. §802.201(a)(1); *see also* 33 U.S.C. §921(b)(3), and claimant's appeal must be dismissed. *Maria*, 22 BRBS 132.

Accordingly, we grant the Director's motion to dismiss claimant's appeal. The case is remanded to the district director for informal processing. 20 C.F.R. §§702.301-318. Claimant's motion for oral argument is denied. 20 C.F.R. §802.306.

SO ORDERED.

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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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BETTY JEAN HALL  
Administrative Appeals Judge