



BRB No. 21-0557
OWCP Nos. 01-305009, *et al.*

MARY C. HALL)	
)	
Claimant-Petitioner)	
)	
v.)	
)	DATE ISSUED: 08/20/2021
ELECTRIC BOAT CORPORATION)	
)	
Self-Insured)	
Employer-Respondent)	ORDER

On July 8, 2021, Claimant filed a notice of appeal of District Director Theresa Magyar’s Order Approving Agreed Settlement – Section 8(i) (Order). 33 U.S.C. §921(a); 20 C.F.R. §802.205. We acknowledge this appeal and assign it the Benefits Review Board’s docket number 21-0557. 20 C.F.R. §802.210.

Claimant’s notice of appeal states the parties jointly filed a motion for reconsideration of the district director’s Order on June 10, 2021, which has not been acted on. The regulation at 20 C.F.R. §802.206(f) requires the Board to dismiss as premature any appeal filed in a case in which a timely motion for reconsideration has been filed with the district director or administrative law judge.¹ *See generally Aetna Casualty & Surety*

¹ Section 802.206(f) states:

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 without prejudice as premature. Following decision by the administrative law judge or [district director] pursuant to either paragraph (d) or (e) of this section, a new notice of appeal shall be filed with the Clerk of the Board by any party who wishes to appeal.

Co. v. Director, OWCP, 97 F.3d 815, 30 BRBS 81(CRT) (5th Cir. 1996). If any party is aggrieved by the district director's original order or her order on reconsideration, a new appeal may be filed with the Board within 30 days of the filing date of the order on reconsideration. 20 C.F.R. §§802.205, 802.206(d)-(f).

Accordingly, the Board dismisses Claimant's appeal as premature.

SO ORDERED.

JONATHAN ROLFE
Administrative Appeals Judge

DANIEL T. GRESH
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge