

U.S. Department of Labor

Benefits Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



BRB No. 20-0222 BLA
2018-BLA-05561

DANNY W. GILFILEN)

Claimant-Respondent)

v.)

EASTERN ASSOCIATED COAL)
COMPANY)

and)

PEABODY ENERGY CORPORATION)

Employer/Carrier-)
Petitioners)

DIRECTOR, OFFICE OF WORKERS')
COMPENSATION PROGRAMS, UNITED)
STATES DEPARTMENT OF LABOR)

Party-in-Interest)

DATE ISSUED: 03/08/2021

ORDER

Employer and its Carrier (Employer) have filed a petition for review and brief contesting the responsible operator and carrier designations in this case. Employer argues liability for the payment of benefits should transfer to the Black Lung Disability Trust Fund (Trust Fund). The Director, Office of Workers' Compensation Programs (the Director), responds that the Trust Fund accepts liability for this claim and does not contest Claimant's entitlement to benefits. The Director requests that the Benefits Review Board dismiss the appeal, and remand this case to the district director for the payment of benefits by the Trust Fund.

The Board grants the Director's request, dismisses this appeal, and remands this case to the district director for the payment of benefits by the Trust Fund. *See* 26 U.S.C. §9501(d)(1)(B); 20 C.F.R. §725.1(c), (e).

SO ORDERED.

JUDITH S. BOGGS, Chief
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge