

U.S. Department of Labor

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



BRB No. 20-0347 BLA

LARRY E. OSBORNE)	
)	
Claimant-Respondent)	
)	
v.)	
)	
STERLING SMOKELESS COAL)	
COMPANY, INCORPORATED)	
)	
and)	
)	DATE ISSUED: 10/31/2022
PEABODY ENERGY CORPORATION)	
)	
Employer/Carrier-)	
Petitioners)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Party-in-Interest)	ORDER

The Director, Office of Workers' Compensation Programs (the Director), has filed a motion to publish the Benefits Review Board's decision issued on September 13, 2022, in the captioned case. Claimant responds in support of the Director's request. No other response to the motion has been received. The Board has published decisions in *Bailey v. E. Assoc. Coal Co.*, BLR , BRB No. 20-0094 BLA (Oct. 25, 2022), *Howard v. Apogee Coal Co.*, BLR , BRB No. 20-0229 BLA (Oct. 18, 2022), and *Graham v. E. Assoc. Coal Co.*, BLR , BRB No. 20-0221 BLA (June 23, 2022), which, similar to the captioned case, considered and rejected each of Employer's arguments that the self-insured carrier in these cases was improperly designated and liability should transfer to the Black

Lung Disability Trust Fund. Because the Board has now issued published decisions addressing all of the liability arguments raised in this case, we deny the Director's motion.

By Order of the Board:

Thomas O. Shepherd, Jr.
Clerk of the Appellate Boards