



BRB No. 20-0201  
OWCP No. 01-304988

CARLOS VARGAS	)	
	)	
Claimant-Respondent	)	
	)	DATE ISSUED: 07/14/2020
v.	)	
	)	
ELECTRIC BOAT CORPORATION	)	
	)	
Self-Insured	)	
Employer-Petitioner	)	ORDER

Employer appeals District Director David Groeneveld’s Compensation Order Awarding of Attorney Fees, filed January 8, 2020. In its notice of appeal, Employer noted it had filed a motion for reconsideration of the district director’s order. On July 2, 2020, Employer filed a motion to hold its appeal in abeyance pending the district director’s action on its motion for reconsideration.

We deny Employer’s motion to hold its appeal in abeyance, as we must dismiss its appeal as prematurely filed while its motion for reconsideration remained pending with the district director. Under 20 C.F.R. §802.206(f), an appeal filed while a timely motion for reconsideration is pending must be dismissed.<sup>1</sup> *Aetna Casualty & Surety Co. v. Director, OWCP*, 97 F.3d 815, 30 BRBS 81(CRT) (5th Cir. 1996). In order to preserve its rights, a party must file a new appeal within 30 days of the filing of an order disposing of the motion for reconsideration. 20 C.F.R. §802.206(d), (e), (f).

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<sup>1</sup> Employer’s motion for reconsideration was timely filed. *Harper v. Temco, LLC*, 54 BRBS 1 (2020); *Zumwalt v. National Steel & Shipbuilding Co.*, 52 BRBS 17 (2018) (en banc), *aff’d*, 796 F. App’x 930 (9th Cir. 2019); 20 C.F.R. §§802.206(c), 802.221.

Accordingly, we dismiss Employer's appeal with prejudice.

SO ORDERED.

GREG J. BUZZARD  
Administrative Appeals Judge

JONATHAN ROLFE  
Administrative Appeals Judge

DANIEL T. GRESH  
Administrative Appeals Judge