



JANUARY 12, 2023

INDUSTRY NOTICE No. 2

TO: OPERATORS AND INSURANCE CARRIERS UNDER THE BLACK LUNG BENEFITS ACT (BLBA), AND OTHER INTERESTED PERSONS

SUBJECT: Notice to Responsible Operators regarding monthly benefit obligations under the BLBA

BACKGROUND: The Black Lung Benefits Act (BLBA) and its regulations provide monthly benefits to miners totally disabled due to pneumoconiosis arising out of coal mine employment and to their survivors. The monthly benefit rate is determined by a formula set by law. 20 C.F.R. 725.522. When the benefit rate changes, the Office of Workers' Compensation Programs must ensure that accepted claimants (including those paid by responsible operators) receive all benefits to which they are entitled.

PURPOSE: The purpose of this notice is to update responsible operators, insurance carriers, and designated administrators of the requirements under the BLBA related to monthly benefits for accepted claimants.

Pursuant to the increase in the Federal salaries, effective January 1, 2023, the basic monthly amounts payable to BLBA beneficiaries are as follows:

- Primary beneficiary ----- 737.90
- Primary beneficiary and one dependent ----- 1,106.90
- Primary beneficiary and two dependents ----- 1,291.30
- Primary beneficiary and three or more dependents-- 1,475.80

These amounts should be paid to BLBA beneficiaries beginning with the February 2023 monthly benefit payment for January 2023 benefits.

Form CM-908, "Notice of Termination, Suspension, Reduction or Increase in Benefit Payments," must be sent to each beneficiary. In accordance with 20 CFR 725.621, if you currently are sending payments to BLBA beneficiaries, you must complete one form CM-908 for each beneficiary. Form CM-908 can be downloaded from our website (<http://www.dol.gov/owcp/dcmwc/regs/compliance/blforms.htm>).

MICHAEL A. CHANCE
Director,
Division of Coal Mine Workers' Compensation