

BRB No. 04-365 BLA  
Case No. 03-BLA-5638

GEORGE W. STRAIN, JR.	)	
	)	
Claimant-Petitioner	)	DATE ISSUED: April 30, 2004
	)	
v.	)	
	)	
DIRECTOR, OFFICE OF WORKERS'	)	
COMPENSATION PROGRAMS, UNITED	)	
STATES DEPARTMENT OF LABOR	)	
	)	
Respondent	)	ORDER

On March 25, 2004, the Board received the Director's request to dismiss the captioned appeal and remand the case to the Office of the District Director for payment of benefits. The Director states that the administrative law judge erroneously found that the miner had failed to establish that he was totally disabled due to coal workers' pneumoconiosis. The Director further states that after review of the record and applicable law that no basis exists for denying claimant's benefits.

Accordingly, the Board grants the Director's motion and remands this case to the district director for payment of benefits to claimant. *See Pendley v. Director, OWCP*, 13 BLR 1-23 (1989).

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NANCY S. DOLDER, Chief  
Administrative Appeals Judge

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ROY P. SMITH  
Administrative Appeals Judge

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REGINA C. McGRANERY  
Administrative Appeals Judge