



BRB No. 15-0483 BLA

DONALD LEE KEEN)	
)	
Claimant-Respondent)	
)	
v.)	
)	
SHANNON POCAHONTAS MINING)	DATE ISSUED: 08/16/2016
COMPANY/A.T. MASSEY)	
)	
Employer/Petitioner)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Party-in-Interest)	ORDER

On August 2, 2016, counsel for employer filed a Notice of Withdrawal of Counsel, stating that employer's parent company, Alpha Natural Resources (Alpha), filed for reorganization under Chapter 11 of the Federal Bankruptcy Code, and its bankruptcy plan has been confirmed. Counsel further states that Alpha instructed counsel to withdraw in claims where Alpha was self-insured, and specifically instructed counsel to withdraw in this claim.

In response, the Director, Office of Workers' Compensation Programs (the Director), filed a Motion to Remand the Case for Payment by the Black Lung Disability Trust Fund (the Trust Fund) on August 10, 2016. The Director states that the Trust Fund accepts liability for this claim and does not contest claimant's entitlement to benefits. Accordingly, the Director requests that this case be dismissed and remanded to the district director for payment of benefits by the Trust Fund.

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

BETTY JEAN HALL, Chief
Administrative Appeals Judge

JUDITH S. BOGGS
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge