

BRB No. 03-860  
and 03-860A  
Case No. 02-LHC-0232

QUENTIN TAHARA	)	
	)	DATE ISSUED: 11/26/2003
Claimant-Respondent	)	
Cross-Petitioner	)	
	)	
v.	)	
	)	
MATSON TERMINALS, INCORPORATED	)	
	)	
and	)	
	)	
JOHN MULLEN AND COMPANY, INCORPORATED	)	
	)	
Employer/Carrier- Petitioner	)	
Cross-Respondent	)	
	)	ORDER

The Board acknowledges receipt of claimant's Notice of Cross-Appeal postmarked October 28, 2003. Claimant appeals the administrative law judge's Decision and Order Granting Summary Judgment filed September 16, 1999. The Board construes claimant's appeal to be an appeal of the administrative law judge's Decision and Order on Remand Awarding Benefits filed September 19, 2003. Claimant's appeal is assigned BRB No. 03-860A.

Employer has filed a request to dismiss claimant's appeal as untimely filed. 20 C.F.R. §802.401.

Section 802.205(b) of the Board's Rules of Practice and Procedure, 20 C.F.R. §802.205(b), provides that a Notice of Cross-Appeal must be filed within fourteen (14) days of the date on which the first Notice of Appeal was filed or within thirty (30) days from the date on which the Decision and Order was filed in the Office of the District Director. 20 C.F.R. §802.205(b). Section 802.221 of the aforementioned Rules provides that whenever the last day of the designated filing period ends on a Saturday, Sunday, or legal holiday, the filing

period shall be extended to the following day which is not a Saturday, Sunday or legal holiday. 20 C.F.R. §802.221(a).

The fourteen (14) day filing period ended on Monday, October 13, 2003, which was a legal holiday. Therefore, the period of filing a cross-appeal was extended to Tuesday, October 14, 2003. In addition, since the administrative law judge's Decision and Order was filed on September 19, 2003, the thirty (30) day period for filing a cross-appeal ended on October 20, 2003.

Claimant's cross-appeal was dated October 27, 2003, postmarked October 28, 2003 and was received by the Board on October 31, 2003. Claimant's cross-appeal is, therefore, dismissed as untimely filed.

Employer's appeal, BRB No. 03-860 remains pending with the Board.

The Board also received employer's letter dated October 30, 2003. Employer requests an extension of time of twenty (20) days to file a Petition for Review and brief. 20 C.F.R. §§802.211, 802.217. On November 14, 2003, the Board received employer's Petition for Review and brief. 20 C.F.R. §§802.211, 802.217. The Board accepts the Petition for Review and brief as part of the record.

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ROY P. SMITH  
Administrative Appeals Judge

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REGINA C. McGRANERY  
Administrative Appeal Judge

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PETER A. GABAUER, JR.  
Administrative Appeals Judge