

U.S. DEPARTMENT OF LABOR  
BENEFITS REVIEW BOARD  
WASHINGTON, D.C.

CHERI D. HATFIELD (widow of CECIL E. HATFIELD)	)	
	)	
	)	
Claimant/Respondent	)	BRB No. 10-252 BLA
	)	
v.	)	Case No. 2008-BLA-05384
	)	
EASTERN COAL CORP., self-insured through THE PITTSTON COMPANY	)	OWCP No. XXX-XX-8587
	)	
	)	
Employer/Respondent	)	
	)	
and	)	
	)	
	)	
DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR	)	
	)	
	)	
Party-in-Interest/Petitioner	)	

DIRECTOR'S PETITION FOR REVIEW

Pursuant to 20 C.F.R. § 802.211, the Director, Office of Workers' Compensation Programs, United States Department of Labor, petitions the Benefits Review Board for review of Administrative Law Judge Daniel F. Solomon's (the "ALJ") Decision and Order Denying Benefits issued on November 27, 2009, in this case. This claim was filed under the Black Lung Benefits Act ("BLBA"), 30 U.S.C. §§ 901-945, *amended by* the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, § 1556 (2010). As grounds for this petition, the Director states that the BLBA has been amended to include a statutory presumption of death due to pneumoconiosis applicable to this claim. 30

U.S.C. 921(c)(4). Because application of this presumption could result in an award of benefits, the ALJ's decision denying the claim should not be affirmed. Rather, the ALJ's decision should be vacated, and the case remanded for the ALJ to consider the claimant's entitlement pursuant to the statutory presumption. A brief in support of the Director's position is attached.

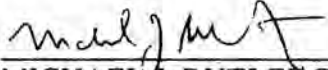
WHEREFORE, the Director respectfully requests that the ALJ's decision denying benefits be vacated, and the case remanded for the ALJ to consider claimant's entitlement pursuant to the 30 U.S.C. 921(c)(4) presumption.

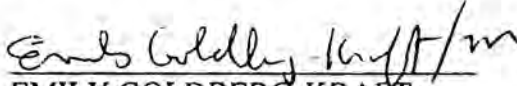
Respectfully submitted,

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