

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1990

WESTMORELAND COAL COMPANY,

Petitioner,

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS,
UNITED STATES DEPARTMENT OF LABOR; CALVIN R. CLYBURN,

Respondents.

On Petition for Review of an Order of the Benefits Review Board. (15-0331-BLA)

Submitted: April 20, 2017

Decided: April 26, 2017

Before WILKINSON, AGEE, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Paul E. Frampton, Sarah E. Smith, BOWLES RICE LLP, Charleston, West Virginia, for Petitioner. M. Patricia Smith, Solicitor of Labor, Maia S. Fisher, Associate Solicitor, Gary K. Stearman, Counsel for Appellate Litigation, Michelle S. Gerdano, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.; Timothy C. MacDonnell, Gabriella E. Alonso, Student Caseworker, Black Lung Legal Clinic, WASHINGTON AND LEE UNIVERSITY SCHOOL OF LAW, Lexington, Virginia, for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Westmoreland Coal Company seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's award of black lung benefits pursuant to 30 U.S.C. §§ 901-944 (2012). Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. Accordingly, we deny the petition for review for the reasons stated by the Board. *Westmoreland Coal Co. v. Dir., Office of Workers' Comp. Programs*, No. 15-0331-BLA (B.R.B. June 30, 2016). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED