

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 04-1019

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CLARENCE O. CRITES,

Petitioner,

versus

CONSOLIDATION COAL COMPANY; DIRECTOR, OFFICE  
OF WORKERS' COMPENSATION PROGRAMS, UNITED  
STATES DEPARTMENT OF LABOR,

Respondents.

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On Petition for Review of an Order of the Benefits Review Board.  
(03-0108-BLA; 03-0108-BLA-A)

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Submitted: June 30, 2004

Decided: January 31, 2006

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Before WIDENER and WILLIAMS, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Robert F. Cohen, Jr., COHEN, ABATE & COHEN, L.C., Morgantown, West  
Virginia, for Petitioner. William S. Mattingly, JACKSON KELLY  
PLLC, Morgantown, West Virginia; Christian P. Barber, UNITED STATES  
DEPARTMENT OF LABOR, Washington, D.C.; Helen Hart Cox, OFFICE OF  
WORKERS' COMPENSATION PROGRAMS, Washington, D.C., for Respondents.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Clarence O. Crites seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's denial of black lung benefits pursuant to 30 U.S.C. §§ 901-945 (2000). Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. Accordingly, we affirm on the reasoning of the Board. See Crites v. Consolidation Coal Co., Nos. 03-0108-BLA; 03-0108-BLA-A (BRB Oct. 31, 2003). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED