

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1779

DOWELL BAILEY,

Petitioner,

versus

DIRECTOR, OFFICE OF WORKERS' COMPENSATION
PROGRAMS,

Respondent.

On Petition for Review of an Order of the Benefits Review Board.
(04-896-BLA)

Submitted: January 20, 2006

Decided: February 8, 2006

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

Affirmed by unpublished per curiam opinion.

S.F. Raymond Smith, RUNDLE & RUNDLE, L.C., Pineville, West
Virginia, for Petitioner. Howard M. Radzely, Solicitor of Labor,
Allen H. Feldman, Associate Solicitor, Patricia M. Nece, Counsel
for Appellate Litigation, Rita Roppolo, UNITED STATES DEPARTMENT OF
LABOR, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Dowell Bailey seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's decision and order denying modification of a decision establishing the date of Bailey's entitlement to 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 for the reasons stated by the Board. See Bailey v. Dir., Office of Workers' Comp. Programs, No. 04-896-BLA (BRB May 17, 2005). 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