

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 05-2249

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ROBINSON-PHILLIPS COAL COMPANY,

Petitioner,

versus

IRENE ENGLAND, Surviving Spouse of Leonard  
England; DIRECTOR, OFFICE OF WORKERS'  
COMPENSATION PROGRAMS,

Respondents.

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On Petition for Review of an Order of the Benefits Review Board.  
(05-282-BLA)

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Submitted: March 22, 2006

Decided: April 17, 2006

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Before MOTZ, GREGORY, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Douglas Allan Smoot, JACKSON & KELLY, PLLC, Charleston, West  
Virginia; Ashley Marie Harman, JACKSON & KELLY, PLLC, Morgantown,  
West Virginia, for Petitioner. Christian P. Barber, Barry H.  
Joyner, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C., for  
Respondent Director.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robinson-Phillips Coal Company seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's award of survivor's 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 Robinson-Phillips v. England, No. 05-282-BLA (BRB Sept. 15, 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