

**UNPUBLISHED**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-2132**

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JERRY D. McMILLION,

Petitioner,

versus

SLAB FORK COAL COMPANY; DIRECTOR, OFFICE OF  
WORKERS' COMPENSATION PROGRAMS,

Respondents.

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On Petition for Review of an Order of the  
Benefits Review Board.  
(06-0318-BLA)

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Submitted: April 19, 2007

Decided: April 23, 2007

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Before NIEMEYER, KING, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Jerry D. McMillion, Petitioner Pro Se. Waseem A. Karim, JACKSON & KELLY, Lexington, Kentucky; Patricia May Nece, Emily Goldberg-Kraft, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C., for Respondents.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerry D. McMillion 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 for the reasons stated by the Board. McMillion v. Slab Fork Coal Co., No. 06-0318-BLA (B.R.B. Aug. 31, 2006). 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