

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-2133**

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UNITED STATES STEEL MINING COMPANY, LLC,

Petitioner,

v.

JAMES C. COCHRAN; DIRECTOR, OFFICE OF WORKERS' COMPENSATION  
PROGRAMS,

Respondents.

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On Petition for Review of an Order of the Benefits Review Board.  
(06-0948-BLA)

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Submitted: June 6, 2008

Decided: July 14, 2008

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Before NIEMEYER, TRAXLER, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Howard G. Salisbury, Jr., KAY, CASTO & CHANEY, PLLC, Charleston,  
West Virginia, for Petitioner. Frederick K. Muth, HENSLEY, MUTH,  
GARTON & HAYES, Bluefield, West Virginia, for Respondent James C.  
Cochran.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

United States Steel Mining 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. §§ 901-945 (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 United States Steel Mining Co. v. Cochran, No. 06-0948-BLA (B.R.B. Sept. 14, 2007). 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