

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1208

MALCOLM L. BAZZIE,

Petitioner,

v.

EASTERN ASSOCIATED COAL CORPORATION; DIRECTOR, OFFICE OF
WORKERS' COMPENSATION PROGRAMS,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(07-0357-BLA)

Submitted: October 10, 2008

Decided: November 7, 2008

Before NIEMEYER, MICHAEL, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Malcolm L. Bazzie, Petitioner Pro Se. Laura Metcoff Klaus, Mark Elliott Solomons, GREENBERG TRAURIG, Washington, D.C.; Michelle Seyman Gerdano, Patricia May Nece, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C., for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Malcolm L. Bazzie seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's denial of Bazzie's petition for modification of a decision that denied 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 deny the petition for the reasons stated by the Board. See Bazzie v. Eastern Associated Coal Corp., No. 07-0357-BLA (B.R.B. Jan. 4, 2008). 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.

PETITION DENIED