

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1816

DAVID BREWSTER,

Petitioner,

v.

WESTMORELAND COAL COMPANY, INCORPORATED; DIRECTOR, OFFICE OF
WORKERS' COMPENSATION PROGRAMS,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(07-0835-BLA)

Submitted: December 11, 2008

Decided: December 15, 2008

Before NIEMEYER, DUNCAN, and AGEE, Circuit Judges.

Petition denied by unpublished per curiam opinion.

David Brewster, Petitioner Pro Se. Douglas Allan Smoot, Kathy
Lynn Snyder, JACKSON & KELLY, PLLC, Charleston, West Virginia;
Sean Gregory Bajkowski, Barry H. Joyner, UNITED STATES
DEPARTMENT OF LABOR, Washington, D.C., for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Brewster 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 deny the petition for review for the reasons stated by the Board. Brewster v. Westmoreland Coal Co., Inc., No. 07-0835-BLA (B.R.B. June 30, 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