

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2073

PEGGY GILBERT,

Petitioner,

v.

ISLAND CREEK COAL COMPANY; DIRECTOR, OFFICE OF WORKERS'
COMPENSATION PROGRAMS,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(07-0850-BLA)

Submitted: April 15, 2009

Decided: April 29, 2009

Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Derrick W. Lefler, GIBSON, LEFLER & ASSOCIATES, Princeton, West Virginia, for Petitioner. Ashley M. Harman, JACKSON KELLY PLLC, Morgantown, West Virginia, for Respondent Island Creek Coal Company.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Peggy Gilbert, surviving spouse of Grant P. Gilbert, seeks review of the Benefits Review Board's decision and order reversing the administrative law judge's award of black lung benefits pursuant to 30 U.S.C. §§ 901-945 (2006). 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. Gilbert v. Island Creek Coal Co., No. 07-0850-BLA (B.R.B. July 25, 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