

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2402

HERMAN WHALING,

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.
(08-0115-BLA)

Submitted: March 18, 2010

Decided: April 6, 2010

Before MOTZ, SHEDD, and AGEE, Circuit Judges.

Petition denied by unpublished per curiam opinion.

William B. Talty, Hanover, Virginia, for Petitioner. Mark E.
Solomons, Laura Metcoff Klaus, GREENBERG TRAUER LLP,
Washington, D.C., for Respondent Eastern Associated Coal
Corporation.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Herman Whaling 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 (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. Whaling v. Eastern Associated Coal Corp., No. 08-0115-BLA. 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