

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1077

RHONDA COAL COMPANY,

Petitioner,

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS; TEDDY J.
WHITED,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(08-0234-BLA)

Submitted: October 22, 2009

Decided: November 13, 2009

Before MICHAEL, DUNCAN, and AGEE, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Ronald E. Gilbertson, K&L GATES LLP, Washington, D.C., for
Petitioner. Joseph E. Wolfe, Ryan C. Gilligan, WOLFE, WILLIAMS,
RUTHERFORD & REYNOLDS, Norton, Virginia, for Respondent Teddy J.
Whited.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rhonda Coal 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 (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. Rhonda Coal Co. v. Director, Office of Workers' Comp. Prog., No. 08-0234-BLA (B.R.B. Nov. 26, 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