

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-2406

JUSTIN ENERGY, INCORPORATED; WEST VIRGINIA CWP FUND,

Petitioners,

v.

JAMES P. MARTIN; DIRECTOR, OFFICE OF WORKERS' COMPENSATION
PROGRAMS,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(09-0853-BLA)

Submitted: June 30, 2011

Decided: July 12, 2011

Before WILKINSON, MOTZ, and DIAZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Mark J. Grigoraci, ROBINSON & MCELWEE, PLLC, Charleston, West
Virginia, for Petitioners. S.F. Raymond Smith, DAVID HUFFMAN
LAW SERVICES, Parkersburg, West Virginia, for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Petitioners seek review of the Benefits Review Board's ("Board") decision and order affirming the administrative law judge's award of black lung benefits pursuant to 30 U.S.C.A. §§ 901-945 (West 2007 & Supp. 2011). 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. Justin Energy, Inc. v. Martin, No. 09-0853-BLA (BRB Oct. 29, 2010). 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