

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1163

CLINCHFIELD COAL COMPANY,

Petitioner,

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS; SIDNEY
LLOYD BURDEN, JR., Administrator of the Estate of Sidney
Burden,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(10-0231-BLA)

Submitted: October 25, 2011

Decided: November 7, 2011

Before NIEMEYER, DAVIS, and KEENAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Timothy W. Gresham, PENN, STUART & ESKRIDGE, Abingdon, Virginia,
for Petitioner. M. Patricia Smith, Solicitor of Labor, Rae
Ellen James, Associate Solicitor, Patricia M. Nece, Sarah M.
Hurley, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.;
Joseph E. Wolfe, Ryan C. Gilligan, WOLFE, WILLIAMS, RUTHERFORD &
REYNOLDS, Norton, Virginia, for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Clinchfield 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. Clinchfield Coal Co. v. Director, Office of Workers' Comp. Programs, No. 10-0231-BLA (B.R.B. Dec. 23, 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