

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1398

ELK RUN COAL COMPANY, INCORPORATED,

Petitioner,

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR; WANLESS MCARTHUR HARVEY,

Respondents.

On Petition for Review of an Order of the Benefits Review Board
(11-0305-BLA).

Submitted: May 30, 2014

Decided: June 3, 2014

Before DUNCAN and WYNN, Circuit Judges, and DAVIS, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Ashley M. Harman, Tiffany B. Davis, JACKSON KELLY PLLC,
Morgantown, West Virginia, for Petitioner. M. Patricia Smith,
Solicitor of Labor, Rae Ellen James, Associate Solicitor, Sean
G. Bajkowski, Counsel for Appellate Litigation, Ann Marie
Scarpino, 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Unpublished opinions are not binding precedent in this circuit.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:

Elk Run Coal Company, Inc., petitions for 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 (2012). Our review of the parties' briefs and the record on appeal 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. Elk Run Coal Co., Inc. v. Dir., Office of Workers' Comp. Programs, No. 11-0305-BLA (B.R.B. Jan. 30, 2012). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED