

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-1578**

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WALTER F. SMITH,

Petitioner,

v.

PINE RIDGE COAL COMPANY; DIRECTOR, OFFICE OF WORKERS'  
COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondents.

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On Petition for Review of an Order of the Benefits Review Board.  
(11-0457 BLA; 10-BLA-5498)

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Submitted: October 30, 2012

Decided: November 8, 2012

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Before MOTZ, FLOYD, and THACKER, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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S.F. Raymond Smith, DAVID HUFFMAN LAW SERVICES, Parkersburg,  
West Virginia, for Petitioner. Mark E. Solomons, Laura Metcoff  
Klaus, GREENBERG TRAUIG LLP, Washington, D.C., for Respondents.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Walter F. Smith 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.A. §§ 901 to 945 (West 2007 & Supp. 2012). 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. Smith v. Pine Ridge Coal Co., No. 11-0457 BLA (BRB Mar. 23, 2012). 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