

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1193

ISLAND CREEK COAL COMPANY,

Petitioner,

v.

LARRY F. HARGETT; DIRECTOR, OFFICE OF WORKERS' COMPENSATION
PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(12-0158-BLA)

Submitted: May 29, 2015

Decided: June 4, 2015

Before WILKINSON, SHEDD, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Ashley M. Harman, JACKSON KELLY PLLC, Morgantown, West Virginia,
for Petitioner. Joseph E. Wolfe, Ryan C. Gilligan, WOLFE,
WILLIAMS, RUTHERFORD & REYNOLDS, Norton, Virginia; M. Patricia
Smith, Solicitor of Labor, Rae Ellen James, Associate Solicitor,
Gary K. Stearman, Counsel for Appellate Litigation, Rita A.
Roppolo, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.,
for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Island Creek Coal Company seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's (ALJ) award of black lung benefits to former miner Larry F. Hargett, pursuant to 30 U.S.C. §§ 901-945 (2012).^{*} Our review of the record discloses that the ALJ's decision is based upon substantial evidence and that the Board's decision is without reversible error. Accordingly, we deny the petition for review. 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

^{*} This case was in abeyance pending the decision in Hobet Mining LLC v. Epling, 783 F.3d 498 (4th Cir. 2015), which was argued in seriatim with W. Va. CWP Fund v. Bender, 782 F.3d 129 (4th Cir. 2015). Both cases have been decided, and we have considered them in our analysis of this appeal.