

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1914

WEST VIRGINIA CWP FUND, as carrier for Economy Fuel
Company, Incorporated,

Petitioner,

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR; BERNARD CLINE,

Respondents.

On Petition for Review of an Order of the Benefits Review Board
(12-0527-BLA & 12-0527-BLA-A).

Submitted: May 29, 2015

Decided: June 16, 2015

Before WILKINSON, SHEDD, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

William S. Mattingly, Jeffrey R. Soukup, JACKSON KELLY PLLC,
Morgantown, West Virginia, for Petitioner. M. Patricia Smith,
Solicitor of Labor, Rae Ellen James, Associate Solicitor, Gary
K. Stearman, Counsel for Appellate Litigation, Sarah M. Hurley,
UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.; Leonard J.
Stayton, Inez, Kentucky, for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

West Virginia CWP Fund seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's award of black lung benefits to former miner Bernard Cline, 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).