

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1922

WEST VIRGINIA CWP FUND, as carrier for East View Trucking,
Inc.,

Petitioner,

v.

CARL E. MATLICK; DIRECTOR, OFFICE OF WORKERS' COMPENSATION
PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(12-0543-BLA)

Submitted: April 17, 2014

Decided: April 25, 2014

Before NIEMEYER and AGEE, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

William S. Mattingly, Jeffrey R. Soukup, JACKSON KELLY PLLC,
Morgantown, West Virginia, for Petitioner. Cheryl Catherine
Cowen, Waynesburg, Pennsylvania; Sean Gregory Bajkowski,
Kathleen Kim, Gary K. Stearman, UNITED STATES DEPARTMENT OF
LABOR, Washington, D.C., 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Unpublished opinions are not binding precedent in this circuit.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 ("ALJ") award of black lung benefits to Carl E. Matlick, 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 is without reversible error. See Island Creek Coal Co. v. Compton, 211 F.3d 203, 207-08 (4th Cir. 2000) (providing standard of review). 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