

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 13-2415**

---

MCELROY COAL COMPANY; CONSOLIDATION COAL COMPANY,

Petitioners,

v.

MIKEL C. TRADER; DIRECTOR, OFFICE OF WORKERS' COMPENSATION  
PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondents.

---

On Petition for Review of an Order of the Benefits Review Board.  
(12-0658-BLA)

---

Submitted: June 30, 2014

Decided: July 11, 2014

---

Before DUNCAN, KEENAN, and WYNN, Circuit Judges.

---

Petition denied by unpublished per curiam opinion.

---

William S. Mattingly, JACKSON KELLY PLLC, Morgantown, West  
Virginia, for Petitioners. Heath M. Long, PAWLOWSKI, BILONICK &  
LONG, Ebensburg, Pennsylvania; Jeffrey Steven Goldberg, Gary K.  
Stearman, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.,  
for Respondents.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

McElroy Coal Company and Consolidation Coal Company petition 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. McElroy Coal Co. v. Trader, No. 12-0658-BLA (B.R.B. Sept. 24, 2013). 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