

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-1251**

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MCELROY COAL COMPANY,

Petitioner,

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED  
STATES DEPARTMENT OF LABOR; DONN L. WNEK,

Respondents.

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On Petition for Review of an Order of the Benefits Review Board.  
(13-0224 BLA)

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Submitted: October 30, 2015

Decided: November 5, 2015

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Before GREGORY and KEENAN, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Jeffrey R. Soukup, JACKSON KELLY PLLC, Lexington, Kentucky, for  
Petitioner. M. Patricia Smith, Solicitor of Labor, Rae Ellen  
James, Associate Solicitor, Gary K. Stearman, Ann Marie  
Scarpino, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.;  
Heath M. Long, PAWLOWSKI, BILONICK & LONG, Ebensburg,  
Pennsylvania, for Respondents.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

McElroy Coal Company seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's award of black lung benefits on a claim filed by Donn L. Wnek pursuant to 30 U.S.C. §§ 901-945 (2012). Upon our review of the record, we conclude that the Board's decision is supported by substantial evidence and is without reversible error. See McElroy Coal Co. v. Dir., Office of Workers' Comp. Programs, No. 13-0224 BLA (B.R.B. Jan. 14, 2014). 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