

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-1322

CONSOLIDATION COAL COMPANY,

Petitioner,

v.

FULLER W. VARNER; DIRECTOR, OFFICE OF WORKERS' COMPENSATION
PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(13-0188-BLA)

Submitted: October 30, 2015

Decided: December 17, 2015

Before WILKINSON, KEENAN, and DIAZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

William S. Mattingly, JACKSON KELLY PLLC, Morgantown, West Virginia, for Petitioner. Heath M. Long, PAWLOWSKI, BILONICK & LONG, Ebensburg, Pennsylvania; M. Patricia Smith, Solicitor of Labor, Rae Ellen James, Associate Solicitor, Maia S. Fisher, Deputy Associate Solicitor, Sean G. Bajkowski, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C., for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Consolidation 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 Fuller W. Varner pursuant to 30 U.S.C. §§ 901-945 (2012). Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. Consolidation Coal Co. v. Varner, No. 13-0188-BLA (B.R.B. Feb. 5, 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