

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1465

CLINCHFIELD COAL COMPANY,

Petitioner,

v.

SHARON L. FLEMING, Widow of Paul Fleming; DIRECTOR, OFFICE OF
WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF
LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(15-0201-BLA)

Submitted: January 24, 2017

Decided: February 10, 2017

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

Petition denied by unpublished per curiam opinion.

Timothy W. Gresham, PENN, STUART & ESKRIDGE, Abingdon, Virginia,
for Petitioner. Joseph E. Wolfe, WOLFE WILLIAMS & REYNOLDS,
Norton, Virginia; Sean Gregory Bajkowski, Sarah Marie Hurley,
UNITED STATES DEPARTMENT OF LABOR, Washington, D.C., for
Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Clinchfield Coal Company seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's award of benefits to Sharon Fleming, the surviving spouse of deceased coal miner Paul Fleming, under the Black Lung Benefits Act, 30 U.S.C. §§ 901-944 (2012). Our review of the record 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. Clinchfield Coal Co. v. Fleming, No. 15-0201 BLA (B.R.B. Feb. 26, 2016). 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