

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 16-1923**

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WEST VIRGINIA CWP FUND, as carrier for C.C. Conley & Sons, Inc.,

Petitioner,

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS,  
UNITED STATES DEPARTMENT OF LABOR; DOYLE G. BAILES,

Respondents.

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On Petition for Review of an Order of the Benefits Review Board. (15-0439-BLA)

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Submitted: May 22, 2017

Decided: June 1, 2017

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Before TRAXLER, KEENAN, and THACKER, Circuit Judges.

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Petition denied by unpublished per curiam opinion.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, Maia S. Fisher, Associate Solicitor, Sean G. Bajkowski, Counsel for Appellate Litigation, Jeffrey S. Goldberg, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.; Carl Hostler, PRIM LAW FIRM, PLLC, Hurricane, West Virginia, for Respondents.

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Unpublished opinions are not binding precedent in this circuit.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 award of black lung benefits pursuant to 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. *W. Va. CWP Fund v. Dir., Office of Workers' Comp. Programs*, No. 15-0439-BLA (B.R.B. June 16, 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*