

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-2085

WESTMORELAND COAL COMPANY,

Petitioner,

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS,
UNITED STATES DEPARTMENT OF LABOR; VIDA M. BAIRD, widow of and
on behalf of Raymond E. Baird,

Respondents.

On Petition for Review of an Order of the Benefits Review Board. (16-0532-BLA; 16-0533-BLA)

Submitted: June 28, 2018

Decided: July 24, 2018

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

Petition denied by unpublished per curiam opinion.

Paul E. Frampton, Fazal A. Shere, BOWLES RICE LLP, Charleston, West Virginia, for Petitioner. Nicholas C. Geale, Acting Solicitor, Maia S. Fisher, Associate Solicitor, Sean G. Bajkowski, Barry H. Joyner, Office of the Solicitor, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.; Joseph E. Wolfe, Victoria S. Herman, WOLFE WILLIAMS & REYNOLDS, Norton, Virginia, for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Westmoreland Coal Company 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. *Westmoreland Coal Co. v. Dir., Office of Workers' Comp. Programs*, Nos. 16-0532-BLA & 16-0533-BLA (B.R.B. July 19, 2017). 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