

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1200

CONSOLIDATION COAL COMPANY,

Petitioner,

v.

CLINTON MOORE, deceased; ARLEY MOORE, widow; DIRECTOR, OFFICE
OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES
DEPARTMENT OF LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board. (20-0098 BLA)

Submitted: April 1, 2022

Decided: May 13, 2022

Before WYNN and RUSHING, Circuit Judges, and KEENAN, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

ON BRIEF: Joseph D. Halbert, Crystal L. Moore, SHELTON, BRANHAM &
HALBERT, PLLC, Lexington, Kentucky, for Petitioner. Brad A. Austin, WOLFE
WILIAMS & REYNOLDS, Norton, Virginia, for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Consolidation Coal Company petitions for review of the Benefits Review Board's (BRB) decision and order affirming the Administrative Law Judge's (ALJ) award of black lung benefits pursuant to 30 U.S.C. §§ 901-944. Our review of the BRB's decision is limited to considering "whether substantial evidence supports the factual findings of the ALJ and whether the legal conclusions of the [BRB] and ALJ are rational and consistent with applicable law." *Westmoreland Coal Co. v. Stallard*, 876 F.3d 663, 668 (4th Cir. 2017) (internal quotation marks omitted). "Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Sea "B" Mining Co. v. Addison*, 831 F.3d 244, 252 (4th Cir. 2016) (internal quotation marks omitted). "To determine whether this standard has been met, we consider whether all of the relevant evidence has been analyzed and whether the ALJ has sufficiently explained [her] rationale in crediting certain evidence." *Hobet Mining, LLC v. Epling*, 783 F.3d 498, 504 (4th Cir. 2015) (internal quotation marks omitted).

Our review of the record discloses that the BRB's decision is based upon substantial evidence and is without reversible error. *See Addison*, 831 F.3d at 253-55 (discussing harmless error). Accordingly, we deny the petition for review for the reasons stated by the BRB. *Consolidation Coal Co. v. Dir., Office of Workers' Comp. Programs*, No. 20-0098 BLA (B.R.B. Feb. 17, 2021). 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