

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-1679**

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GUY SHORTRIDGE,

Petitioner,

versus

DIRECTOR, OFFICE OF WORKERS' COMPENSATION  
PROGRAMS, UNITED STATES DEPARTMENT OF LABOR;  
PIONEER COAL COMPANY,

Respondents.

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On Petition for Review of an Order of the Benefits Review Board.  
(BRB No. 98-1387-BLA)

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Submitted: October 10, 2000

Decided: October 25, 2000

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Before WILKINS, LUTTIG, and TRAXLER, Circuit Judges.

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Petition dismissed by unpublished per curiam opinion.

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Guy Shortridge, Petitioner Pro Se. Patricia May Nece, Christian P. Barber, Helen Hart Cox, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.; Timothy Ward Gresham, PENN, STUART & ESKRIDGE, Abingdon, Virginia, for Respondents.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Guy Shortridge petitions for review of a decision of the Benefits Review Board ("Board") denying his motion for reconsideration of the Board's decision affirming the Administrative Law Judge's denial of benefits on modification. Because Shortridge seeks review of an unreviewable order, we dismiss the petition for lack of jurisdiction. See Betty B Coal Co. v. Director, OWCP, 194 F.3d 491, 496 (4th Cir. 1999) (holding that, where a party petitions an agency for reconsideration on the same record that was before the agency when it rendered its original decision, and the order merely denies rehearing, the order itself is unreviewable). Accordingly, we dismiss the petition for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DISMISSED