

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-2479

ALFRED RHEA NIDIFFER,

Petitioner,

versus

WESTMORELAND COAL COMPANY, INCORPORATED;
DIRECTOR, OFFICE OF WORKERS' COMPENSATION PRO-
GRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(99-1312-BLA, 98-1271-BLA)

Submitted: April 20, 2001

Decided: May 1, 2001

Before WILLIAMS and GREGORY, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Alfred Rhea Nidiffer, Petitioner Pro Se. Douglas Allan Smoot,
JACKSON & KELLY, Charleston, West Virginia; Kathy Lynn Snyder,
JACKSON & KELLY, Morgantown, West Virginia; Patricia May Nece,
Christian P. Barber, Barry H. Joyner, UNITED STATES DEPARTMENT OF
LABOR, Washington, D.C., for Respondents.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Alfred R. Nidiffer seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's denial of black lung benefits pursuant to 30 U.S.C.A. §§ 901-945 (West 1986 & Supp. 2000). Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. Accordingly, we affirm on the reasoning of the Board.* See Nidiffer v. Westmoreland Coal Co., Nos. 99-1312-BLA; 98-1271-BLA (Oct. 30, 2000). 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.

AFFIRMED

* We have considered the recent revisions to the regulations implementing the Black Lung Benefits Act, see Regulations Implementing the Federal Coal Mine Health and Safety Act of 1969, as amended; 65 Fed. Reg. 79,919 (Dec. 20, 2000), and have determined that the revisions do not affect the outcome of this case.