

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-2534

JOHNNIE GRAY, widow of Henry Gray,

Petitioner,

versus

DIRECTOR, OFFICE OF WORKERS' COMPENSATION
PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondent.

On Petition for Review of an Order of the Benefits Review Board.
(99-1107-BLA)

Submitted: May 24, 2001

Decided: August 7, 2001

Before WIDENER, WILLIAMS, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas E. Johnson, Phillip H. Snelling, JOHNSON, JONES, SNELLING,
GILBERT & DAVIS, P.C., Chicago, Illinois, for Petitioner. Judith
E. Kramer, Acting Solicitor of Labor, Donald S. Shire, Associate
Solicitor, Patricia M. Nece, Counsel for Appellate Litigation,
Sarah M. Hurley, UNITED STATES DEPARTMENT OF LABOR, Washington,
D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Johnnie Gray 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 Gray v. DOWCP, No. 99-1107-BLA (BRB Oct. 19, 2000). We grant Gray's motion to submit this case on the briefs and 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.