

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-2284

DWAINE RASNAKE,

Petitioner,

versus

DIRECTOR, OFFICE OF WORKERS' COMPENSATION
PROGRAMS, UNITED STATES DEPARTMENT OF LABOR;
YOGI MINING COMPANY,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(00-735-BLA)

Submitted: March 14, 2002

Decided: March 21, 2002

Before NIEMEYER and KING, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Dwaine Rasnake, Petitioner Pro Se. Patricia May Nece, Barry H.
Joyner, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.;
Michael Francis Blair, PENN, STUART & ESKRIDGE, Abingdon, Virginia,
for Respondents.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Dwaine Rasnake seeks review of the Benefits Review Board's decision and orders affirming the administrative law judge's dismissal of his claim for black lung benefits filed pursuant to 30 U.S.C.A. §§ 901-945 (West 1986 & Supp. 2001), and denying reconsideration. 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 Rasnake v. Director, Office of Workers' Compensation Prog., No. 00-735-BLA (BRB Apr. 19, 2001; Sep. 25, 2001). 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