

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-1222**

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JOHN A. KADE,

Petitioner,

versus

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

Respondents.

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On Petition for Review of an Order of the Benefits Review Board.  
(01-486-BLA)

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Submitted: August 29, 2002

Decided: September 23, 2002

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Before NIEMEYER, LUTTIG, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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John A. Kade, Petitioner Pro Se. Jeffrey Steven Goldberg, Christian  
P. Barber, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.;  
Mary Rich Maloy, JACKSON & KELLY, Charleston, West Virginia, for  
Respondents.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

John A. Kade 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. §§ 901-945 (2000). Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. Accordingly, we deny Kade's motion for an extension of time to file supplemental materials and affirm on the reasoning of the Board. See Kade v. Director, Office of Workers' Comp. Prog., No. 01-486-BLA (BRB Jan. 8, 2002). 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