

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-1249

EUGENE YATES,

Petitioner,

versus

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

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(01-555-BLA)

Submitted: July 31, 2002

Decided: August 15, 2002

Before WIDENER and MOTZ, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Eugene Yates, Petitioner Pro Se. Michelle Seyman Gerdano, Patricia
May Nece, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.;
Douglas Allan Smoot, JACKSON & KELLY, Charleston, West Virginia;
Kathy Lyn Snyder, Ashley Marie Harman, JACKSON & KELLY, Morgantown,
West Virginia, for Respondents.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Eugene Yates 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. 2002). 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 Yates v. Virginia Pocahontas Coal Co., No. 01-555-BLA (B.R.B. Feb. 19, 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