

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1498**

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ERNESTINE BAILEY, on behalf of and widow of  
Virgil Bailey,

Petitioner,

versus

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

Respondents.

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On Petition for Review of an Order of the Benefits Review Board.  
(99-849-BLA)

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Submitted: October 25, 2004

Decided: November 4, 2004

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Before MICHAEL and DUNCAN, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Ernestine Bailey, Petitioner Pro Se. Mark Elliott Solomons, Laura  
Metcoff Klaus, GREENBERG TRAUIG, LLP, Washington, D.C.; Jeffrey  
Steven Goldberg, Christian P. Barber, UNITED STATES DEPARTMENT OF  
LABOR, Washington, D.C., for Respondents.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ernestine Bailey seeks review of the Benefits Review Board's ("Board") decision and order affirming the administrative law judge's denial of black lung benefits pursuant to 30 U.S.C. §§ 901-45 (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 Bailey v. Harman Mining Co., No. 99-849-BLA (BRB Apr. 9, 2004). 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