

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1307

KAREN SMITH, on behalf of Bobby R. Smith,

Petitioner,

versus

DIRECTOR, OFFICE OF WORKERS' COMPENSATION
PROGRAMS; RALEIGH MINE & INDUSTRIAL SUPPLY,
INCORPORATED; WEST VIRGINIA COAL WORKERS'
PNEUMOCONIOSIS FUND, INCORPORATED,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(05-0425-BLA)

Submitted: August 14, 2006

Decided: September 7, 2006

Before WILKINSON, NIEMEYER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Karen Smith, Petitioner Pro Se. Christian P. Barber, Sarah Marie Hurley, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.; Robert Weinberger, STATE OF WEST VIRGINIA, Charleston, West Virginia; Martin Ellison Hall, JACKSON & KELLY, Lexington, Kentucky, for Respondents.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Karen Smith 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 affirm for the reasons stated by the Board. Smith v. Dir. Office of Workers' Comp. Prog., No. 05-0425-BLA (BRB Feb. 16, 2006). 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