

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 06-1339

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AMIGO SMOKELESS COAL COMPANY,

Petitioner,

versus

HERSCHEL H. JENKS; BENEFITS REVIEW BOARD;  
DIRECTOR, OFFICE OF WORKERS' COMPENSATION  
PROGRAMS,

Respondents.

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On Petition for Review of an Order of the Benefits Review Board.  
(05-0529-BLA)

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Submitted: September 26, 2007

Decided: October 12, 2007

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Before NIEMEYER, MOTZ, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Douglas A. Smoot, Kathy L. Snyder, JACKSON KELLY PLLC, Morgantown,  
West Virginia, for Petitioner. Frederick K. Muth, HENSLEY, MUTH,  
GARTON & HAYES, Bluefield, West Virginia; Jonathan L. Snare, Acting  
Solicitor of Labor, Patricia M. Nece, Jeffrey S. Goldberg, UNITED  
STATES DEPARTMENT OF LABOR, Washington, D.C., for Respondents.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Amigo Smokeless Coal Company seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's award of black lung benefits on a claim filed by Herschel Jenks 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. Amigo Smokeless Coal Co. v. Jenks, No. 05-0529-BLA (B.R.B. Jan. 31, 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