

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1385

CHARLES E. CALDWELL,

Petitioner,

versus

PERRY & HYLTON, INCORPORATED; WEST VIRGINIA
COAL WORKERS' PNEUMOCONIOSIS FUND; DIRECTOR,
OFFICE OF WORKERS' COMPENSATION PROGRAMS,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(05-684-BLA)

Submitted: October 4, 2006

Decided: October 31, 2006

Before WILKINSON, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Harold S. Albertson, Jr., Charleston, West Virginia, for
Petitioner. Ashley M. Harman, William S. Mattingly, JACKSON KELLY,
PLLC, Morgantown, West Virginia, for Respondent West Virginia CWP
Fund, as insurance carrier for Perry & Hylton, Inc.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles E. Caldwell 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. Caldwell v. Perry & Hylton, Inc., No. 05-684-BLA (BRB Jan. 23, 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