

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-1485**

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PATRICIA ST. CLAIR, as personal representative  
of the estate of John St. Clair,

Petitioner,

versus

DIRECTOR, OFFICE OF WORKERS' COMPENSATION  
PROGRAMS; CONSOLIDATION COAL COMPANY,

Respondents.

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**No. 06-1628**

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CONSOLIDATION COAL COMPANY,

Petitioner,

DIRECTOR, OFFICE OF WORKERS' COMPENSATION  
PROGRAMS,

Party-in-interest,

versus

PATRICIA ST. CLAIR, as personal representative  
of the estate of John St. Clair,

Respondent.

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On Petitions for Review of an Order of the Benefits Review Board.  
(05-548-BLA)

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Submitted: November 17, 2006

Decided: January 18, 2007

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Before NIEMEYER and TRAXLER, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Patricia St. Clair, Petitioner/Cross-Respondent Pro Se. Patricia  
May Nece, Barry H. Joyner, UNITED STATES DEPARTMENT OF LABOR,  
Washington, D.C., for Respondent Director. William Steele  
Mattingly, Ashley M. Harman, JACKSON & KELLY, PLLC, Morgantown,  
West Virginia, for Respondent/Cross-Petitioner Consolidation Coal  
Company.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In No. 06-1485, claimant seeks review of the Benefits Review Board's ("Board") decision and order affirming the administrative law judge's ("ALJ") denial of black lung benefits pursuant to 30 U.S.C. §§ 901-945 (2000). In No. 06-1628, Consolidation Coal Company cross-petitions for review of the Board's affirmance of the ALJ's conclusion that St. Clair's claim for benefits was timely filed. 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. St. Clair v. Director, OWCP, No. 05-548-BLA (B.R.B. Mar. 28, 2006). We deny St. Clair's motion to expedite the appeal. 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