

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-2168

HARRY THOMAS AYERS,

Petitioner,

versus

WESTMORELAND COAL COMPANY, INCORPORATED;
DIRECTOR, OFFICE OF WORKERS' COMPENSATION
PROGRAMS,

Respondents.

On Petition for Review of an Order of the
Benefits Review Board
(No. 06-0240-BLA)

Submitted: June 20, 2007

Decided: July 12, 2007

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

Petition denied by unpublished per curiam opinion.

Harry Thomas Ayers, Petitioner Pro Se. Patricia May Nece, Rita A.
Roppolo, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.;
Douglas Allan Smoot, JACKSON & KELLY, PLLC, Charleston, West
Virginia; Kathy Lynn Snyder, JACKSON & KELLY, PLLC, Morgantown,
West Virginia, for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Harry Thomas Ayers 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, although we grant leave to proceed in forma pauperis, we deny the petition for review for the reasons stated by the Board. Ayers v. DOWCP, No. 06-0240-BLA (BRB Oct. 18, 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.

PETITION DENIED