

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 07-1218

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WILLIAM HERCULES, Deceased,

Petitioner,

versus

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

Respondents.

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On Petition for Review of an Order of the Benefits Review Board.  
(06-0337-BLA)

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Submitted: August 27, 2007

Decided: September 12, 2007

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Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Timothy F. Cogan, CASSIDY, MYERS, COGAN & VOEGELIN, L.C., Wheeling,  
West Virginia, for Petitioner. William S. Mattingly, JACKSON &  
KELLY, PLLC, Morgantown, West Virginia, for Respondent  
Consolidation Coal Company.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leona Hercules, on behalf of William Hercules, 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 affirm for the reasons stated by the Board. Hercules v. Consolidation Coal Co., No. 06-0337-BLA (BRB Jan. 26, 2007). 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