

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1652**

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LEON CRIHFIELD,

Petitioner,

v.

PEABODY 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.  
(07-0670-BLA)

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Submitted: January 21, 2009

Decided: February 6, 2009

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Before WILKINSON, NIEMEYER, and AGEE, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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S. F. Raymond Smith, JULIET RUNDLE & ASSOCIATES, Pineville, West  
Virginia, for Petitioner. Mark E. Solomons, Laura Metcoff  
Klaus, GREENBERG TRAUER LLP, Washington, D.C., for Respondent  
Peabody Coal Company.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leon Crihfield 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 (2006). Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. Accordingly, we deny the petition for review for the reasons stated by the Board. Crihfield v. Peabody Coal Co., No. 07-0670-BLA (B.R.B. May 14, 2008). 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