

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2222

GLAMORGAN COAL CORPORATION,

Petitioner,

v.

BANNER E. MARSHALL, deceased, by Beulah Marshall, widow;
DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(07-0960-BLA)

Submitted: October 21, 2009

Decided: November 13, 2009

Before KING, SHEDD, and AGEE, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Timothy W. Gresham, Anne Musgrove Rife, PENN, STUART & ESKRIDGE, Abingdon, Virginia, for Petitioner. Joseph E. Wolfe, Ryan C. Gilligan, WOLFE, WILLIAMS, RUTHERFORD & REYNOLDS, Norton, Virginia; Carol De Deo, Deputy Solicitor, Rae Ellen Frank James, Associate Solicitor, Sean G. Bajkowski, Counsel for Appellate Litigation, Jeffrey S. Goldberg, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C., for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Glamorgan Coal Corporation seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's award 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. Glamorgan Coal Corp. v. Marshall, No. 07-0960-BLA (B.R.B. Aug. 29, 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