

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1984

EDSIL B. KEENER, Executor for Estate of Shirley Keener, on
behalf of Shirley Keener, Deceased Survivor of Edsil Keener
and on behalf of Edsil Keener, Deceased Miner,

Petitioner,

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS; PEERLESS
EAGLE COAL COMPANY,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(08-0261-BLA)

Submitted: March 10, 2010

Decided: March 29, 2010

Before GREGORY, SHEDD, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

John Cline, Piney View, West Virginia, for Petitioner.
Douglas A. Smoot, Kathy L. Snyder, JACKSON KELLY PLLC,
Morgantown, West Virginia, for Respondent Peerless Eagle Coal
Company.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Edsil B. Keener 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. Keener v. DOWCP, No. 08-0261-BLA (B.R.B. Nov. 25, 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