

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2204

WEST VIRGINIA CWP FUND, as insurance carrier for Slab Fork
Coal Company,

Petitioner,

v.

WILBUR M. REED; DIRECTOR, OFFICE OF WORKERS' COMPENSATION
PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(11-0707-BLA)

Submitted: May 30, 2014

Decided: June 4, 2014

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Ashley M. Harman, Jeffrey R. Soukup, JACKSON KELLY PLLC,
Morgantown, West Virginia, for Petitioner. John Cline, Piney
View, West Virginia; M. Patricia Smith, Solicitor of Labor, Rae
Ellen James, Associate Solicitor, Sean Bajkowski, Counsel of
Appellate Litigation, Jonathan Rolfe, UNITED STATES DEPARTMENT
OF LABOR, Washington, D.C., for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

West Virginia CWP Fund petitions for 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 (2012). Our review of the parties' briefs and the record on appeal 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. W. Va. CWP Fund v. Reed, No. 11-0707-BLA (B.R.B. Aug. 30, 2012). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED