

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1042

CONSOLIDATION COAL COMPANY,

Petitioner,

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR; JACK CARROLL LAKE,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(11-0467-BLA)

Submitted: May 30, 2014

Decided: June 16, 2014

Before NIEMEYER, MOTZ, and WYNN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

William S. Mattingly, JACKSON KELLY PLLC, Morgantown, West Virginia, for Petitioner. M. Patricia Smith, Solicitor of Labor, Rae Ellen Frank James, Associate Solicitor, Sean G. Bajkowski, Counsel for Appellate Litigation, Jeffrey S. Goldberg, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.; Heath M. Long, PAWLOWSKI, BILONICK & LONG, Ebensburg, Pennsylvania, for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Consolidation Coal Company seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's award of black lung benefits on a claim filed by Jack C. Lake pursuant to 30 U.S.C. §§ 901-945 (2012). 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. Consolidation Coal Co. v. Dir., Office of Workers' Comp. Programs, No. 11-0467-BLA (B.R.B. Apr. 16, 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