

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-2311

WEST VIRGINIA CWP FUND, as carrier for LAFAYETTE SPRINGS
ENTERPRISES, INC.,

Petitioner,

v.

VALLA JEAN LOUDERMILK, on behalf of and surviving spouse of
Harold E. Loudermilk; DIRECTOR, OFFICE OF WORKERS'
COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(13-0030-BLA; 13-0031-BLA)

Submitted: June 30, 2015

Decided: August 6, 2015

Before NIEMEYER, DIAZ, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Tiffany Brooke Davis, Ashley Marie Harman, JACKSON KELLY, PLLC,
Morgantown, West Virginia, for Petitioner. Valla Jean
Loudermilk, Respondent Pro Se; Michelle Seyman Gerdano, Gary K.
Stearman, 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Unpublished opinions are not binding precedent in this circuit.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 seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's order on remand awarding living miner benefits on a claim filed by former miner Harold E. Loudermilk and survivor's benefits to his surviving spouse, Valla Jean Loudermilk, pursuant to 30 U.S.C. §§ 901-945 (2012).^{*} Our review of the record discloses that the ALJ's decision is based upon substantial evidence and that the Board's decision is without reversible error. Accordingly, we deny the petition for review. 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

^{*} This case was in abeyance pending the decision in Hobet Mining LLC v. Epling, 783 F.3d 498 (4th Cir. 2015), which was argued in seriatim with W. Va. CWP Fund v. Bender, 782 F.3d 129 (4th Cir. 2015). Both cases have been decided, and we have considered them in our analysis of this appeal.