

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 96-1737

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MICHAEL A. COOK, Executor for the Estate of  
Roy L. Cook,

Petitioner,

versus

DIRECTOR, OFFICE OF WORKERS' COMPENSATION  
PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondent.

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On Petition for Review of an Order of the Benefits Review Board.  
(Nos. 95-1223-BLA, 91-1212-BLA)

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Submitted: December 17, 1996                      Decided: January 14, 1997

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Before WILKINS and WILLIAMS, Circuit Judges, and PHILLIPS, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Michael A. Cook, Petitioner Pro Se. Patricia May Nece, Eileen Mary  
McCarthy, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C., for  
Respondent.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Petitioner 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.A. §§ 901-945 (West 1986 & Supp. 1996). Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. Accordingly, we affirm on the reasoning of the Board. Cook v. Director, OWCP, Nos. 95-1223-BLA; 91-1212-BLA (BRB Apr. 5, 1996). 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. Leave to proceed on appeal in forma pauperis is granted.

AFFIRMED