

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 96-2424**

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JONATHAN H. GAILLARD,

Petitioner,

versus

RYAN-WALSH STEVEDORING, INCORPORATED; DIRECTOR,  
OFFICE OF WORKERS' COMPENSATION PROGRAMS,  
UNITED STATES DEPARTMENT OF LABOR,

Respondents.

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On Petition for Review of an Order of the Benefits Review Board.  
(95-1199)

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Submitted: November 6, 1997

Decided: November 18, 1997

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Before WIDENER and LUTTIG, Circuit Judges, and BUTZNER, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Jonathan H. Gaillard, Petitioner Pro Se. William Chad Stelly,  
MCQUAIG & SOLOMON, Metairie, Louisiana, for Respondent.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jonathan Gaillard petitions for review of the Benefits Review Board ("Board") decision summarily affirming by operation of law\* the administrative law judge's ("ALJ") denial of his application for benefits under the Longshore and Harbor Workers' Compensation Act ("LHWCA"), 33 U.S.C. §§ 901-950 (1994). 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 ALJ. Gaillard v. Ryan-Walsh Stevedoring, Inc., No. 93-LHCA-3425 (A.L.J. Feb. 28, 1995). 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.

AFFIRMED

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\* The Board issued no opinion in this case, but affirmed the ALJ's decision automatically under the provisions of the Omnibus Consolidated Reversions and Appropriations Act of 1996, Pub. L. No. 104-134, § 101(d), 110 Stat. 1321-218 (1996), by failing to act on the appeal within one year.