

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-1354

JOHN W. ROBERTS, SR.,

Petitioner,

versus

JEWELL RIDGE/SEA B MINING; DIRECTOR, OFFICE OF
WORKERS' COMPENSATION PROGRAMS, UNITED STATES
DEPARTMENT OF LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(96-218-BLA)

Submitted: September 11, 1997 Decided: September 18, 1997

Before RUSSELL, MURNAGHAN, and HAMILTON, Circuit Judges.

Affirmed by unpublished per curiam opinion.

John W. Roberts, Sr., Petitioner Pro Se. Timothy Ward Gresham,
PENN, STUART & ESKRIDGE, Abingdon, Virginia; Patricia May Nece,
Dorothy L. Page, UNITED STATES DEPARTMENT OF LABOR, Washington,
D.C., for Respondents.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant seeks review of the Benefits Review Board's decision and order and Order on Reconsideration 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. Roberts v. Jewell Ridge/Sea B Mining, No. 96-218-BLA (B.R.B. Feb. 27, 1997). 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