

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-1622

JIMMY L. BILLITER,

Petitioner,

versus

HARD TIMES 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.
(96-1087-BLA)

Submitted: April 7, 1998

Decided: June 18, 1998

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

Affirmed by unpublished per curiam opinion.

Jimmy L. Billiter, Petitioner Pro Se. Ronald Eugene Gilbertson,
KILCULLEN, WILSON, & KILCULLEN, Washington, D.C.; John Vincent
Carroll, Richlands, Virginia; Patricia May Nece, Cathryn Celeste
Helm, 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Unpublished opinions are not binding precedent in this circuit.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 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, while we grant Appellant leave to proceed in forma pauperis, we affirm on the reasoning of the Board. Billiter v. Hard Times Mining, BRB No. 96-1087-BLA (B.R.B. Apr. 25, 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