

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-1654

BISHOP COAL COMPANY,

Petitioner,

versus

JOHN BALL; DIRECTOR, OFFICE OF WORKERS' COM-
PENSATION PROGRAMS, UNITED STATES DEPARTMENT
OF LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(96-236-BLA)

Submitted: March 24, 1998

Decided: May 5, 1998

Before WIDENER and HAMILTON, Circuit Judges, and HALL, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Douglas Allan Smoot, JACKSON & KELLY, Charleston, West Virginia;
Kathy Lynn Snyder, JACKSON & KELLY, Morgantown, West Virginia, for
Petitioner. John Ball, Respondent Pro Se; Christian P. Barber,
Jill M. Otte, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C.,
for Respondent Director.

Unpublished opinions are not binding precedent in this circuit.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 reversing the administrative law judge's decision and awarding black lung benefits pursuant to 30 U.S.C.A. §§ 901-945 (West 1986 & Supp. 1997). 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. Bishop Coal Co. v. DOWCP, No. 96-236-BLA (BRB Mar. 31, 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