

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-2118

HERBERT MCKINNEY; HUBERT MCKINNEY,

Plaintiffs - Appellants,

versus

UNITED STATES DEPARTMENT OF LABOR, Secretary,

Defendant - Appellee.

Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. Joseph Robert Goodwin, District Judge. (CA-95-160-5)

Submitted: March 7, 2000

Decided: March 17, 2000

Before WILKINS, NIEMEYER, and LUTTIG, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Theodore R. Dues, Jr., Charleston, West Virginia, for Appellants. Rebecca A. Betts, United States Attorney, Michael L. Keller, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Herbert and Hubert McKinney appeal the district court's order granting partial summary judgment to Defendant. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See McKinney v. United States Dep't of Labor, No. CA-95-160-5 (S.D.W. Va. Mar. 25, 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.

AFFIRMED