

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-2268**

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JAMES H. LESTER,

Petitioner,

versus

ISLAND CREEK COAL COMPANY; 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.  
(97-1275-BLA)

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Submitted: December 17, 1998

Decided: December 29, 1998

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Before WILKINS, NIEMEYER, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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James H. Lester, Petitioner Pro Se. Mary Rich Maloy, JACKSON &  
KELLY, Charleston, West Virginia; Patricia May Nece, Sarah Marie  
Hurley, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C., for  
Respondents.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James H. Lester 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. 1998). 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. See Lester v. Island Creek Coal Co., No. 97-1275-BLA (July 10, 1998). 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