

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-2369

MARY H. CRESS, Widow of William H. Cress,

Petitioner,

versus

WESTMORELAND COAL COMPANY, INCORPORATED;
DIRECTOR, OFFICE OF WORKERS' COMPENSATION
PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(98-240-BLA)

Submitted: April 25, 2000

Decided: August 4, 2000

Before NIEMEYER and LUTTIG, Circuit Judges, and BUTZNER, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Mary H. Cress, Petitioner Pro Se. Douglas Allan Smoot, JACKSON &
KELLY, Charleston, West Virginia; Rita A. Roppolo, Christian P.
Barber, 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Unpublished opinions are not binding precedent in this circuit.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:

Mary H. Cress, the widow of William Cress, petitions for review of a decision of the Benefits Review Board (Board) affirming the administrative law judge's decision to deny her claim for black lung survivors' benefits. Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. See Doss v. Director, Office of Workers' Compensation Programs, 53 F.3d 654, 658 (4th Cir. 1995). Accordingly, we affirm on the reasoning of the Board. See Cress v. Westmoreland Coal Co., BRB No. 98-0240-BLA (B.R.B. Dec. 16, 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