

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-1030

KERMIT H. BENDER,

Petitioner,

versus

TALON RESOURCES, INCORPORATED; WEST VIRGINIA
COAL WORKERS' PNEUMOCONIOSIS FUND; DIRECTOR,
OFFICE OF WORKERS' COMPENSATION PROGRAMS,
UNITED STATES DEPARTMENT OF LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(00-172-BLA, 99-440-BLA)

Submitted: April 12, 2001

Decided: April 18, 2001

Before NIEMEYER, WILLIAMS, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kermit H. Bender, Petitioner Pro Se. Robert Weinberger, Senior As-
sistant Attorney General, Konstantine Keian Weld, OFFICE OF THE
ATTORNEY GENERAL OF WEST VIRGINIA, Charleston, West Virginia;
Patricia May Nece, Timothy S. Williams, 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Unpublished opinions are not binding precedent in this circuit.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:

Kermit H. Bender 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. 2000). 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 Bender v. Talon Resources, Inc., Nos. 00-172-BLA; 99-440-BLA (Nov. 21, 2000). 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

* We have considered the recent revisions to the regulations implementing the Black Lung Benefits Act, see Regulations Implementing the Federal Coal Mine Health and Safety Act of 1969, as amended; 65 Fed. Reg. 79919 (December 20, 2000), and have determined that the revisions do not affect the outcome of this case.