

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-2408

PATSY G. VANCE, Widow of Kenneth Vance,

Petitioner - Appellant,

versus

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PRO-
GRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondent - Appellee.

On Petition for Review of an Order of the Benefits Review Board.
(92-1108-BLA)

Submitted: June 20, 1996

Decided: July 9, 1996

Before HALL, WILKINS, and HAMILTON, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Patsy G. Vance, Appellant Pro Se. Christian P. Barber, Jennifer U.
Toth, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C., for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant 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. 1996). Appellant noted this appeal outside the sixty-day appeal period established by 33 U.S.C. § 921(c) (1988). A late notice of appeal precludes this court's jurisdiction to review the decision of the Board. Adkins v. Director, OWCP, 889 F.2d 1360, 1361 (4th Cir. 1989). The Board entered its final order on March 13, 1995; Appellant's notice of appeal was filed on July 17, 1995. Appellant's failure to note a timely appeal deprives this court of jurisdiction to consider this case. We therefore grant the Director's motion to dismiss the appeal and suspend the briefing schedule. 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.

DISMISSED