

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-1592**

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DONALD L. MCINTIRE, SR.,

Petitioner,

versus

CONSOLIDATION 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.  
(96-1143-BLA)

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Submitted: January 15, 1998

Decided: January 26, 1998

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Before MURNAGHAN and LUTTIG, Circuit Judges, and BUTZNER,\* Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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\* Senior Judge Butzner did not participate in consideration of  
this case. The opinion is filed by a quorum of the panel pursuant  
to 28 U.S.C. § 46(d).

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Donald L. McIntire, Sr., Petitioner Pro Se. William Steele Mattingly, JACKSON & KELLY, Morgantown, West Virginia; Patricia May Nece, Dorothy L. Page, 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Unpublished opinions are not binding precedent in this circuit.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:

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). 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. McIntire v. Consolidation Coal Co., BRB No. 96-1143-BLA (B.R.B. Apr. 14, 1997). 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