

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1812

JOHN T. MAY,

Petitioner,

v.

MOUNTAINEER COAL DEVELOPMENT COMPANY/MARROWBONE DEVELOPMENT;
DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(07-0671-BLA)

Submitted: April 23, 2009

Decided: August 17, 2009

Before TRAXLER, Chief Judge, and GREGORY and DUNCAN, Circuit
Judges.

Petition denied by unpublished per curiam opinion.

Leonard Stayton, Inez, Kentucky, for Petitioner. William S.
Mattingly, William P. Margelis, JACKSON KELLY PLLC, Morgantown,
West Virginia, for Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John T. May 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. §§ 901-945 (2006). Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. Accordingly, we deny the petition for review for the reasons stated by the Board. May v. Mountaineer Coal Dev. Co., No. 07-0671 BLA (B.R.B. May 30, 2008). 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.

PETITION DENIED