

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-2115

ICG EASTERN, LLC,

Petitioner,

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS,
UNITED STATES DEPARTMENT OF LABOR; DONALD SEABOLT,

Respondents.

On Petition for Review of an Order of the Benefits Review Board. (23-0281 BLA)

Submitted: April 9, 2026

Decided: June 8, 2026

Before WILKINSON, NIEMEYER, and KING, Circuit Judges.

Petition for review denied by unpublished per curiam opinion.

ON BRIEF: William S. Mattingly, Mary L. Bryson, JACKSON KELLY PLLC, Lexington, Kentucky, for Petitioner. Brad A. Austin, WOLFE WILLIAMS & AUSTIN, Norton, Virginia, for Respondent Donald Seabolt.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

ICG Eastern, LLC, petitions this Court for review of a September 2024 decision of the Benefits Review Board (the “BRB”). That decision affirmed a March 2023 award by an Administrative Law Judge (the “ALJ”) of black lung benefits to retired West Virginia coal miner Donald E. Seabolt, pursuant to the Black Lung Benefits Act of 1977 (the “Act”). Specifically, in these administrative proceedings, ICG Eastern maintains that the BRB and the ALJ erred because Mr. Seabolt’s black lung benefits claim was untimely, and that he is not entitled to a benefits award because he is not “totally disabled” by pneumoconiosis.

By Order of February 20, 2026, this appeal was placed in an abeyance pending a decision by another panel of our Court in a case called *Wolf Run Mining Co. v. DOWCP*, No. 24-2262. *See ICG Eastern, LLC v. DOWCP*, No. 24-2115 (4th Cir. Feb. 20, 2026), ECF No. 43. In light of the Court’s April 7 published decision in *Wolf Run Mining*, 172 F.4th 304 (4th Cir. 2026) — along with our issuance of the mandate in that appeal on June 1 — we hereby lift the abeyance Order of February 2026. And as discussed further herein, we are content to dispense with oral argument and decide this matter on the papers.

We review an order of the BRB by “undertak[ing] an independent review of the record” to determine if the ALJ’s findings of fact are supported by substantial evidence. *See Dehue Coal Co. v. Ballard*, 65 F.3d 1189, 1193 (4th Cir. 1995); *Island Creek Coal Co. v. Compton*, 211 F.3d 203, 207 (4th Cir. 2000). To that end, “[s]ubstantial evidence is more than a mere scintilla” — rather, it is characterized as “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *See Consolidated*

Edison Co. of New York v. NLRB, 305 U.S. 197, 229 (1938). Furthermore, we review de novo the legal conclusions of the BRB and the ALJ. See *Dehue Coal Co.*, 65 F.3d at 1193.

In these circumstances, after having carefully assessed the relevant administrative record — along with the appellate submissions of the parties — we are constrained to deny ICG Eastern’s petition for review. Put simply, we are of opinion that the BRB correctly affirmed the ALJ’s legally-sound and well-supported award of black lung benefits to Mr. Seabolt. More specifically, as to ICG Eastern’s timeliness contention, we deny the petition for review for the reasons well-articulated by the BRB and the ALJ. As to ICG Eastern’s contention here that Mr. Seabolt is not “totally disabled” by pneumoconiosis, we are satisfied that both the BRB and the ALJ have correctly determined otherwise, and that Mr. Seabolt is so disabled and is thus entitled to an award of black lung benefits. See, e.g., *Wolf Run Mining Co. v. DOWCP*, 172 F.4th 304, 312-13 (4th Cir. 2026) (rejecting coal mine operator’s contention that ALJ “improperly [found] a binding presumption in the preamble or improperly shift[ed] the burden on that basis” because applicable 15-year presumption under 20 C.F.R. § 718.305(b) shifted burden of proof to mine operator).

* * *

Pursuant to the foregoing, we deny ICG Eastern’s petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this Court, and because an argument would not aid the decisional process.

PETITION FOR REVIEW DENIED