



DECISIONS, NOTICES, AND ORDERS

Monday, April 3, 2023

The Intermediate Court of Appeals of West Virginia has taken action in the following cases in the month of March 2023. This list contains only the actions of note taken by the Intermediate Court, not the content or actual date of orders or decisions.

SIGNED OPINIONS

In accordance with Rule 22, a signed opinion was entered in the following case:

PrimeCare Medical of WV, Inc. v. Brittany Foster, 22-ICA-138
(Workers' Compensation Board of Review)
Vacated and Remanded with Directions (3-0)

MEMORANDUM DECISIONS

In accordance with Rule 21, memorandum decisions were entered in the following cases:

Shelia Hallman-Warner v. Bluefield State College Board of Governors, 22-ICA-38
(Cir. Ct. of Kanawha Cnty. No. 18-C-1066)
Affirmed (3-0)

William J. Thornton v. Mercer County Board of Education, 22-ICA-96
(Cir. Ct. of Kanawha Cnty. No. 22-AA-22)
Reversed and Remanded (3-0)

Meghan C. v. James C., 22-ICA-114 (Fam. Ct. of Cabell Cnty. No. 18-D-121)
Affirmed (3-0)

James M. v. Shayla S., 22-ICA-152 (Fam. Ct. of Pleasants Cnty. No. FC-37-2020-D-2)
Remanded with Directions (3-0)

Brian Davis v. Starla Davis, 22-ICA-153 (Fam. Ct. of Harrison Cnty. No. 10-D-90)
Reversed and Remanded with Directions (3-0)

ORDER LIST

April 3, 2023

Page 2

Kevin Miller v. Grant County Mulch, Inc., 22-ICA-180
(Workers' Compensation Board of Review)
Affirmed (3-0)

Larry Bert Gray v. Performance Coal Company, 22-ICA-184
(Workers' Compensation Board of Review)
Affirmed (3-0)

Jessica L. Cassel, Dependent of Dale Cassel (Deceased) v. Aspen Builders, Inc., 22-ICA-211
(Workers' Compensation Board of Review)
Affirmed (3-0)

Barry N. v. Dorothy C., 22-ICA-218 (Fam. Ct. of Kanawha Cnty. No. 22-D-21)
Affirmed (3-0)

Joshua T. v. Angela M., 22-ICA-221 (Fam. Ct. of Taylor Cnty. No. 17-D-72)
Affirmed in part, Vacated, in part (3-0)

Jeffrey L. Sandridge v. City of Philippi, 22-ICA-227 (Workers' Compensation Board of Review)
Vacated and Remanded with Directions (3-0)

MTR Gaming Group, Inc. v. Jill Hoover, 22-ICA-228
(Workers' Compensation Board of Review)
Affirmed (3-0)

Kevin L. McCune v. FedEx Freight, Inc., 22-ICA-248
(Workers' Compensation Board of Review)
Affirmed (3-0)

Roy W. Miller v. Dynamic Energy, Inc., LWE, 22-ICA-272
(Workers' Compensation Board of Review)
Affirmed (2-0) (Judge Scarr, Not Participating)

Drema Curry, Dependent of Robert E. Curry (Deceased) v. American Coal Testing, Inc., 22-ICA-286
(Workers' Compensation Board of Review)
Affirmed (3-0)

Wellington Wayne Butler v. Rose M. Sigley and the West Virginia Department of Health and Human Resources, Bureau for Child Support Enforcement, 22-ICA-176
(Fam. Ct. of Preston Cnty. No. 99-D-127)
Affirmed (3-0)

West Virginia Division of Highways v. Larry D. Scott, 22-ICA-135
(Workers' Compensation Office of Judges)

ORDER LIST

April 3, 2023

Page 3

Affirmed (3-0) (Judge Scarr, Voluntarily Recused, Judge Gregory L. Howard, sitting by temporary assignment)

Gregory A. Boyce v. West Virginia Division of Highways, 22-ICA-158

(Workers' Compensation Board of Review)

Affirmed (2-0) (Judge Scarr, Not Participating)

Hadassah L. v. Christopher S., 22-ICA-116 (Fam. Ct. of Wood Cnty. No. FC-54-2016-D-326)
Reversed and Remanded with Instructions (3-0)

Minnie Hamilton Health Care Center, Inc., d/b/a Minnie Hamilton Health System v. Hospital Development Co., d/b/a Roane General Hospital and West Virginia Health Care Authority, 22-ICA-149 (West Virginia Health Care Authority)

Affirmed (3-0)

Vaughn Hutchison v. Raytheon Corporation, 22-ICA-105

(Workers' Compensation Board of Review)

Affirmed (3-0)

RULE 19 ARGUMENT GRANTED

The following case will be scheduled for Rule 19 oral argument:

In re: Petition of D. K. for Expungement of Record, 22-ICA-122 (Circuit Ct. of Randolph Cnty. No. 22-P-31)

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument:

Amanda D. Taylor v. Workforce West Virginia and Dismas Charities, Inc., 22-ICA-81

(Workforce West Virginia Board of Review, No. R-2021-4361)

Jason Ryan Moorhead v. West Virginia Army National Guard and West Virginia Mountaineer Challenge Academy, 22-ICA-58 (Circuit Ct. of Preston Cnty. No. 18-C-71)

YMCA of Parkersburg v. West Virginia Department of Health and Human Resources, 22-ICA-54
(West Virginia Department of Health and Human Resources Board of Review, Nos. 22-BOR-1508 and 22-BOR-1509)

PITA, LLC, and Milan Puskar Revokable Trust Restated 9/21/11 v. Scott S. Segal and Scott S. Segal v. PITA, LLC, and Milan Puskar Revokable Trust Restated 9/21/11, 22-ICA-4 and 22-ICA-46
(Circuit Ct. of Monongalia Cnty. No. 18-C-372)

ORDER LIST

April 3, 2023

Page 4

ORDERS

Orders of note were entered in the following cases:

John Gasvoda v. Murray American Energy, Inc., 22-ICA-108

(Workers' Compensation Board of Review)

Motion for Stay Refused (3-0)

Albert Lacy v. Charleston-Kanawha Housing Authority, 22-ICA-148

(Workers' Compensation Board of Review)

Petition for Rehearing Refused (3-0)

Albert Lacy v. Charleston-Kanawha Housing Authority, 22-ICA-259

(Workers' Compensation Board of Review)

Petition for Rehearing Refused (3-0)

Michael Tolliver v. The Charleston Firefighters Civil Service Commission, 23-ICA-32

(Charleston Firefighters Civil Service Commission)

Motion to Dismiss Granted (3-0)

Capitol Beverage Company v. Anthony Cosby, 23-ICA-37

(Workers' Compensation Board of Review)

Motion for Stay Refused (3-0)

Mountain State Beverage v. Daniel Skipper, II, 23-ICA-63

(Workers' Compensation Board of Review)

Motion for Stay Refused (3-0)