

**STATE OF WEST VIRGINIA
WORKERS' COMPENSATION BOARD OF REVIEW**

CHARLES G. DELBERT,
Appellant

v.

MURRAY AMERICAN ENERGY, INC.,
Appellee

Appeal No. 2055031
JCN: 2014014137
DLE 05/19/2009

ORDER

The following case is an appeal by the claimant from a final order of the Workers' Compensation Office of Judges dated December 17, 2019, which affirmed the claims administrator's order dated August 12, 2019, denying a reopening for additional permanent partial disability consideration.

The Workers' Compensation Board of Review has completed a thorough review of the record, briefs, and arguments. As required, the Workers' Compensation Board of Review has evaluated the decision of the Office of Judges in light of the standard of review contained in West Virginia Code § 23-5-12, as well as the applicable statutory language as interpreted by the West Virginia Supreme Court of Appeals.

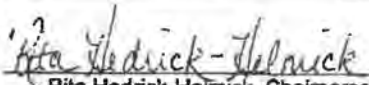
Upon our review of this case, we have determined to affirm the decision of the Office of Judges. The Board adopts the findings of fact and conclusions of law of the Administrative Law Judge's Decision dated December 17, 2019, which relate to the issue on appeal, and the same are incorporated herein by reference, made a part hereof, and are ratified, confirmed and approved with the following modification and addition:

1. In Finding of Fact No. 2, the evidence is located in the electronic claim file under the date of June 14, 2004.
2. On February 21, 2020, the Supreme Court of Appeals affirmed the Board's order dated December 21, 2018.

Accordingly, it is ORDERED that the final order of the Workers' Compensation Office of Judges dated December 17, 2019, is hereby AFFIRMED.

From any final decision of the Board, including any order of remand, an application for review may be prosecuted by any party to the Supreme Court of Appeals within thirty days from the date of this order. The appeal shall be filed with Edythe Nash Gaiser, Clerk of the West Virginia Supreme Court of Appeals, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305.

DATED: JUNE 25, 2020



Rita Hedrick-Helmick
Rita Hedrick-Helmick, Chairperson

cc: CHARLES G. DELBERT
M. JANE GLAUSER
MURRAY AMERICAN ENERGY, INC.
PHILIP J. "P.J." MURRAY, III
SMARTCASUALTY CLAIMS SOLUTIONS