

STATE OF WEST VIRGINIA
WORKERS' COMPENSATION BOARD OF REVIEW

BLACKHAWK MINING,
Appellant

v.

HARRIS ARGABRIGHT,
Appellee

Appeal No. 2058334
JCN: 2021020512
DOI 02/25/2021

ORDER

The following case is an appeal by the employer from a final order of the Workers' Compensation Office of Judges dated May 19, 2022, which addressed the claims administrator's orders dated May 17, 2021, and July 1, 2021. The employer seeks reinstatement of the claim administrator's order dated July 1, 2021.

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.

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 May 19, 2022, 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.



Accordingly, it is hereby ORDERED as follows:

1. The final order of the Workers' Compensation Office of Judges dated May 19, 2022, is AFFIRMED.
2. The employer's alternative motion for remand is DENIED.

From any final decision of the Board, including any order of remand, an application for review may be prosecuted by any party to the Intermediate Court of Appeals within thirty days from the date of this order. **The appeal shall be filed with the Intermediate Court of Appeals (304-558-3258).**

DATED: OCTOBER 21, 2022


Nick Casey, Chairperson

cc: BLACKHAWK MINING
JEFFREY B. BRANNON
ROCKWOOD CASUALTY INSURANCE COMPANY
HARRIS ARGABRIGHT
REGINALD D. HENRY