

**STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS**

**Beckley Appalachian Regional Healthcare,
Employer Below, Petitioner**

v.) **No. 22-927** (JCN: 2021010291)
(ICA No. 22-ICA-31)

**Barry Levin,
Claimant Below, Respondent**

MEMORANDUM DECISION

Petitioner Beckley Appalachian Regional Healthcare appeals the November 15, 2022, memorandum decision of the Intermediate Court of Appeals of West Virginia (“ICA”). *See Beckley Appalachian Regional Healthcare v. Levin*, No. 22-ICA-31, 2022 WL 17168092 (W. Va. Ct. App. Nov. 15, 2022) (memorandum decision). Respondent Barry Levin filed a timely response.¹ The issue on appeal is whether the ICA erred in affirming the decision of the West Virginia Workers’ Compensation Board of Review, which reversed the claim administrator’s September 21, 2021, and October 29, 2021, orders and reinstated temporary total disability benefits through February 24, 2022, and continuing thereafter as substantiated by proper medical evidence.

The employer asserts that the Board of Review erred in reinstating temporary total disability benefits. The claimant maintains that the employer points to no erroneous procedure, no arbitrary or capricious conclusions, and no abuse of discretion or jurisdictional error by the tribunals below.

This Court reviews questions of law de novo, while we accord deference to the Board of Review’s findings of fact unless the findings are clearly wrong. Syl. Pt. 3, *Duff v. Kanawha Cnty. Comm’n*, No. 23-43, 2024 WL 1715166 (W. Va. Apr. 22, 2024). Upon consideration of the record and briefs, we find no reversible error and therefore summarily affirm. *See* W. Va. R. App. P. 21(c).

Affirmed.

¹ The petitioner is represented by counsel Charity K. Lawrence, and the respondent is represented by counsel Reginald D. Henry and Lori J. Withrow.

ISSUED: June 10, 2024

CONCURRED IN BY:

Chief Justice Tim Armstead
Justice Elizabeth D. Walker
Justice John A. Hutchison
Justice William R. Wooton
Justice C. Haley Bunn