

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

**SWVA, Inc.,  
Employer Below, Petitioner**

v.)    **No. 23-16** (JCN: 2021005921)  
                          (BOR Appeal No. 2058060)  
                          (ICA No. 22-ICA-57)

**Brandon M. Caudill,  
Claimant Below, Respondent**

**MEMORANDUM DECISION**

Petitioner SWVA, Inc. appeals the December 2, 2022, memorandum decision of the Intermediate Court of Appeals of West Virginia (“ICA”). *See SWVA, Inc. v. Caudill*, No. 22-ICA-57, 2022 WL 17369015 (W. Va. Ct. App. Dec. 2, 2022) (memorandum decision). Respondent Brandon M. Caudill filed a timely response.<sup>1</sup> The issue on appeal is whether the ICA erred in affirming the decision of the West Virginia Workers’ Compensation Board of Review (“BOR”), which reversed and vacated the March 18, 2022, order of the West Virginia Workers’ Compensation Office of Judges (“OOJ”), denying Mr. Caudill’s claim for left knee sprain and post-injury deep vein thrombosis compensability.

SWVA, Inc. argues that the ICA was clearly wrong and acted contrary to both a preponderance of the evidence and applicable law by affirming the decision of the BOR, which usurped the authority of the initial trier of fact. The OOJ found that the claimant failed to meet his burden of proving that his left knee condition resulted from his employment, and SWVA, Inc. asserts that the BOR and ICA wrongfully imposed their own judgment over that of the OOJ by conducting an improper de novo review of the evidence of record.

This Court reviews questions of law de novo, while we accord deference to the BOR’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.

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<sup>1</sup> SWVA, Inc. is represented by counsel Steven K. Wellman and James W. Heslep, and Brandon M. Caudill is represented by counsel Edwin H. Pancake.

**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