

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

**David E. Honaker,  
Claimant Below, Petitioner**

v.) **No. 23-25** (JCN: 2021021167)  
(BOR Appeal No. 2058130)  
(ICA No. 22-ICA-84)

**Justice Family Group, LLC,  
Employer Below, Respondent**

**MEMORANDUM DECISION**

Petitioner David E. Honaker appeals the November 18, 2022, memorandum decision of the Intermediate Court of Appeals of West Virginia (“ICA”). *See Honaker v. Justice Family Group, LLC*, No. 22-ICA-84, 2022 WL 17164784 (W. Va. Ct. App. Nov. 18, 2022) (memorandum decision). Respondent Justice Family Group, LLC, 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 affirmed the decision of the West Virginia Workers’ Compensation Office of Judges rejecting petitioner’s workers’ compensation claim.

Petitioner argues that the ICA’s decision substantially prejudiced his rights and should have been reversed pursuant to West Virginia Code § 23-5-12a(b) because the preponderance of the evidence proves that he sustained a lower back injury in the course of and resulting from his employment. The employer asserts that the petitioner failed to meet his burden of establishing that his back was injured in the scope of his employment.

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.

---

<sup>1</sup> David E. Honaker is represented by counsel Reginald D. Henry, and Justice Family Group, LLC is represented by counsel Billy R. Shelton.

**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