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STATE OF WEST VIRGINIA
WORKERS' COMPENSATION BOARD OF REVIEW

JUSTIN HART,
Appellant

v.

PANHANDLE CLEANING AND RESTORATION, INC.,
Appellee

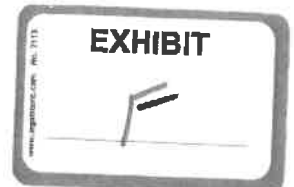
Appeal No. 2056780
JCN: 2021004803
DOI 09/13/2020

ORDER

The following case is an appeal by the claimant from a final order of the Workers' Compensation Office of Judges dated May 11, 2021, which affirmed the claims administrator's order dated September 23, 2020, rejecting the claim.

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 May 11, 2021, 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 clarification: The Board does not adopt the Administrative Law Judge's discussion. In the claimant's affidavit dated February 24, 2021, he said that when he unclipped from one point of support, he fell



JUSTIN HART

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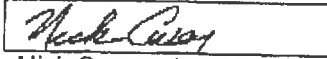
trying to tie-off onto the other point of support. He did not indicate that the platform collapsed. The Board finds that this claim is barred by West Virginia Code § 23-4-2(a).

Accordingly, it is ORDERED that the final order of the Workers' Compensation Office of Judges dated May 11, 2021, is hereby AFFIRMED.

Board member Patricia A. Jennings recused herself. She did not participate in this decision.

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: SEPTEMBER 17, 2021


Nick Casey, Chairperson

cc: JUSTIN HART
CHRISTOPHER J. WALLACE
PANHANDLE CLEANING AND RESTORATION, INC.
STEVEN K. WELLMAN
PINNACLEPOINT INSURANCE COMPANY