

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

**Dallas Hankins,**  
**Claimant Below, Petitioner**

**v.) No. 22-919** (JCN: 2021013918)  
(ICA No. 22-ICA-12)

**Sprouting Farms Corp.,**  
**Employer Below, Respondent**

**MEMORANDUM DECISION**

Petitioner Dallas Hankins appeals the November 15, 2022, memorandum decision of the Intermediate Court of Appeals of West Virginia (“ICA”). *See Hankins v. Sprouting Farms Corp.*, No. 22-ICA-12, 2022 WL 17168088 (W. Va. Ct. App. Nov. 15, 2022) (memorandum decision). Respondent Sprouting Farms Corp. 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 Office of Judges,<sup>2</sup> which affirmed three orders of the claim administrator, entered on September 1, 2021, and October 6, 2021, suspending temporary total disability benefits, denying authorization for lumbar epidural steroid injections, and denying the addition of lumbar radiculopathy as a compensable condition in the claim.

The claimant asserts that the ICA erred in affirming the Office of Judges’ decision. The employer maintains that the claimant 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 factual findings 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> The petitioner is represented by counsel Reginald D. Henry and Lori J. Withrow, and the respondent is represented by counsel Jeffrey Brannon.

<sup>2</sup> The ICA, not the Workers’ Compensation Board of Review, reviewed the Office of Judges’ decision in this case because the Office of Judges’ order was entered during the transfer to the reconstituted Board of Review. *See* W. Va. Code § 23-5-8a(a) (transferring powers and duties of Office of Judges to Board of Review).

**ISSUED: August 1, 2024**

**CONCURRED IN BY:**

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