

The claimant asserts that the ICA erred in affirming the decision of the Board for Review upholding the three denials from 2020. The claimant concedes that the Board of Review did not err in ruling that pain is not a diagnosis that can be added to a claim. *See Harpold v. City of Charleston*, No. 18-0730, 2019 WL 1850196, at *3 (W. Va. Apr. 25, 2019) (memorandum decision) (stating that pain cannot be added to a claim as it is a symptom instead of a diagnosis). Nevertheless, the claimant argues that the ICA erred in affirming the Board of Review because the totality of the evidence shows that seven diagnoses that are now in the record can be added to the claim as compensable conditions. The claimant complains that the ICA ignored various requests submitted on his behalf, such as those made by Chris Kennedy, D.O., from 2021, the year after the entry of the claim administrator's orders that are the subject of this appeal. But the ICA found that Dr. Kennedy's 2021 requests "are not at issue in this decision." *Workman*, 2023 WL 1463843, at *3 n.4. So, the employer contends that the claimant asks for relief beyond the scope of this appeal. The employer also 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 the lower tribunal'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.

ISSUED: August 27, 2024

CONCURRED IN BY:

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