STATE OF WEST VIRGINIA SUPREME COURT OF APPEALS

FILED August 27, 2024

C. CASEY FORBES, CLERK SUPREME COURT OF APPEALS OF WEST VIRGINIA

Kevin Miller, Claimant Below, Petitioner

v.) No. 23-231 (JCN: 2020024251) (ICA No. 22-ICA-180)

Grant County Mulch, Inc., Employer Below, Respondent

MEMORANDUM DECISION

Petitioner Kevin Miller appeals the March 6, 2023, memorandum decision of the Intermediate Court of Appeals of West Virginia ("ICA"). *See Miller v. Grant County Mulch, Inc.*, No. 22-ICA-180, 2023 WL 2367453 (W. Va. Ct. App. Mar. 6, 2023) (memorandum decision). Respondent Grant County Mulch, Inc. filed a timely response. The issue on appeal is whether the ICA erred in affirming the September 21, 2022, decision of the West Virginia Workers' Compensation Board of Review, which affirmed the claim administrator's decision denying the addition of the following conditions to the claim: (1) cervicalgia; (2) spondylosis without myelopathy or radiculopathy, lumbar region; (3) spondylosis without myelopathy or radiculopathy, thoracic region; and (4) other deforming dorsopathies.

The claimant asserts that the conditions he seeks to add to the claim are related to the compensable injury. 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 the Board of Review'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

¹ The petitioner is represented by counsel Sandra K. Law, and the respondent is represented by counsel Loren C. Allen and Jeffrey B. Brannon.

CONCURRED IN BY:

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