## STATE OF WEST VIRGINIA SUPREME COURT OF APPEALS

FILED August 27, 2024

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

Albert Lacy, Claimant Below, Petitioner

v.) No. 23-245 (JCN: 2021017263) (ICA No. 22-ICA-259)

Charleston-Kanawha Housing Authority, Employer Below, Respondent

## MEMORANDUM DECISION

Petitioner Albert Lacy appeals the February 2, 2023, memorandum decision of the Intermediate Court of Appeals of West Virginia ("ICA"). *See Lacy v. Charleston-Kanawha Hous. Auth.*, No. 22-ICA-259, 2023 WL 1464224 (W. Va. Ct. App. Feb. 2, 2023) (memorandum decision). Respondent Charleston-Kanawha Housing Authority filed a timely response. The issue on appeal is whether the ICA erred in affirming the October 24, 2022, decision of the West Virginia Workers' Compensation Board of Review, which affirmed the claim administrator's April 21, 2022, order denying a reopening for additional permanent partial disability benefits.

The claimant asserts that the ICA erred in affirming the decision of the Board for Review upholding the denial of a reopening. 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.

<sup>&</sup>lt;sup>1</sup> The petitioner is self-represented, and the respondent is represented by counsel Charity K. Lawrence.

**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