

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

**Lindy & Fred Seco General Revokable Trust,**  
**Employer Below, Petitioner**

v.) **No. 23-190** (JCN: 2019026433)  
(ICA No. 22-ICA-82)

**Ronald Keller,**  
**Claimant Below, Respondent**

**MEMORANDUM DECISION**

Petitioner Lindy & Fred Seco General Revokable Trust, dba Chaney’s Construction Renovations & Rentals (“CCRR”), appeals the February 2, 2023, memorandum decision of the Intermediate Court of Appeals of West Virginia (“ICA”). *See Lindy & Fred Seco Gen. Revokable Tr. v. Keller*, No. 22-ICA-82, 2023 WL 1463355 (W Va. Ct. App. Feb. 2, 2023) (memorandum decision). Respondent Ronald Keller filed a timely response.<sup>1</sup> The issue on appeal is whether the ICA erred in affirming the August 4, 2022, decision of the West Virginia Workers’ Compensation Board of Review, which reversed the claim administrator’s order denying the claimant’s occupational disease claim for myelodysplastic syndrome (“MDS”).

CCRR asserts that the claim administrator’s June 26, 2019, order denying the claim should be reinstated as there is no causal link between the claimant’s employment with it and his MDS. The claimant maintains that CCRR 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.

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<sup>1</sup> CCRR is represented by counsel T. Jonathan Cook, and the claimant is represented by counsel R. Dean Hartley.

**ISSUED: September 23, 2024**

**CONCURRED IN BY:**

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