

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

**ACNR Resources, Inc.,<sup>1</sup>**  
**Employer Below, Petitioner**

v.) **No. 23-386** (JCN: 2020014490)  
(ICA No. 23-ICA-9)

**Patrick Martie,**  
**Claimant Below, Respondent**

**MEMORANDUM DECISION**

Petitioner ACNR Resources, Inc. appeals the June 22, 2023, memorandum decision of the Intermediate Court of Appeals of West Virginia (“ICA”). *See ACNR Resources, Inc. v. Martie*, No. 22-ICA-9, 2023 WL 3581534 (W. Va. Ct. App. May 22, 2023) (memorandum decision). Respondent Patrick Martie filed a timely response.<sup>2</sup> The issue on appeal is whether the ICA erred in affirming the December 13, 2022, decision of the West Virginia Workers’ Compensation Board of Review, which reversed the claim administrator’s order and granted the claimant an additional 6% for a total award of 9% permanent partial disability.

The employer asserts that the claim administrator’s order granting the claimant an award of only 3% permanent partial permanent disability should be reinstated. The claimant maintains that the employer 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).

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<sup>1</sup> For reasons not readily apparent in the record, the parties identify the employer as “Ohio County Coal Resources, Inc.” However, we use the name of the employer as designated in the order on appeal.

<sup>2</sup> The petitioner is represented by counsel Aimee M. Stern, and the respondent is represented by counsel Sandra K. Law.

Affirmed.

**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