

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

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

**Marion D. Helmandollar,**  
**Claimant Below, Petitioner**

v.)     **No. 23-430**     (JCN: 2019026743)  
                                  (ICA No. 23-ICA-4)

**Blackhawk Mining, LLC,**  
**Employer Below, Respondent**

**MEMORANDUM DECISION**

Petitioner Marion D. Helmandollar appeals the May 22, 2023, memorandum decision of the Intermediate Court of Appeals (“ICA”). *See Helmandollar v. Blackhawk Mining, LLC*, No. 23-ICA-4, 2023 WL 3581530 (W. Va. Ct. App. May 22, 2023) (memorandum decision). Respondent Blackhawk Mining, LLC, filed a timely response.<sup>1</sup> The issue on appeal is whether the ICA erred in affirming the Board of Review’s order, which affirmed the claim administrator’s order granting Mr. Helmandollar no permanent partial disability award.

On appeal, the petitioner argues that the ICA’s decision is clearly wrong in light of the substantial evidence in the record as a whole, and should be reversed because the preponderance of the evidence establishes that the claimant sustained more than 0% whole person impairment as a result of his compensable injury. The respondent counters by arguing that the petitioner was overcompensated by the 22% permanent partial disability that he was awarded in his prior lower back injury claim, and the valid, reliable, and preponderant evidence of record establishes that he has no whole-person impairment resulting from his January 16, 2018, injury.

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: September 23, 2024**

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<sup>1</sup> The petitioner is represented by counsel Reginald D. Henry and Lori J. Withrow, and the respondent is represented by counsel Sean Harter.

**CONCURRED IN BY:**

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