

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

Brenda G. Blevins,
Claimant Below, Petitioner

v.) **No. 23-614** (JCN: 2021009597)
(ICA No. 23-ICA-56)

Princeton Community Hospital Association,
Employer Below, Respondent

MEMORANDUM DECISION

Petitioner Brenda G. Blevins appeals the September 5, 2023, memorandum decision of the Intermediate Court of Appeals (“ICA”). *See Blevins v. Princeton Cmty. Hosp. Ass’n*, No. 23-ICA-56, 2023 WL 5695428 (W. Va. Ct. App. Sep. 5, 2023) (memorandum decision). Respondent Princeton Community Hospital Association filed a timely response.¹ The issue on appeal is whether the ICA erred in affirming the Board of Review’s decision, which affirmed the claim administrator’s order denying reopening of the claim for temporary total disability benefits and denying authorization for a referral to a rheumatologist, a C-PAP machine, Melatonin, a Spiriva inhaler, and Prednisone.

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 requested treatments are medically related and reasonably required to treat the compensable disease. As a result, the petitioner asserts that she continues to be temporarily and totally disabled due to the compensable disease. The respondent counters by arguing that the ICA’s decision was not clearly wrong because all of the petitioner’s current medical complaints are due to non-compensable and preexisting diagnoses and/or are unnecessary and unreasonable.

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. April 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.

¹ The petitioner is represented by counsel Reginald D. Henry and Lori J. Withrow, and the respondent is represented by counsel Steven K. Wellman and James W. Heslep.

ISSUED: September 23, 2024

CONCURRED IN BY:

Justice Elizabeth D. Walker

Justice John A. Hutchison

Justice William R. Wooton

Justice C. Haley Bunn

Chief Justice Tim Armstead is disqualified