

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

P & G Tabler Station,
Employer Below, Petitioner

v.) **No. 23-703** (JCN: 2023003110)
(ICA No. 23-ICA-255)

David Hiett,
Claimant Below, Respondent

MEMORANDUM DECISION

Petitioner P & G Tabler Station appeals the November 1, 2023, memorandum decision of the Intermediate Court of Appeals of West Virginia (“ICA”). *See P & G Tabler Station v. Hiett*, No. 23-ICA-255, 2023 WL 7203396 (W. Va. Ct. App. Nov. 1, 2023) (memorandum decision). Respondent David Hiett did not file a response.¹ The issue on appeal is whether the ICA erred in affirming the May 18, 2023, decision of the West Virginia Workers’ Compensation Board of Review, which reversed the claim administrator’s August 31, 2021, order and held the claim compensable based on a preponderance of credible evidence.

The employer asserts that the claim administrator’s denial of the claim should be reinstated because the claimant did not prove that he suffered an injury in the course of and resulting from his employment. The claimant did not file a response. *See* W. Va. R. App. P. 12(h) (a respondent in a workers’ compensation appeal is not required to file a response).

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*, --- W. Va. ---, 905 S.E.2d 528 (2024). Upon consideration of the record and briefs, we find no reversible error and therefore summarily affirm the ICA’s affirmation of the Board’s decision holding the claim compensable. *See* W. Va. R. App. P. 21(c).

Affirmed.

¹ The employer is represented by counsel Aimee M. Stern, and the claimant is self-represented.

ISSUED: October 30, 2024

CONCURRED IN BY:

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