

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

ACNR Resources, Inc.,
Employer Below, Petitioner

v.) **No. 24-3** (JCN: 2021021646)
(ICA No. 23-ICA-369)

Robert Murphy,
Claimant Below, Respondent

MEMORANDUM DECISION

Petitioner ACNR Resources, Inc. appeals the November 1, 2023, memorandum decision of the Intermediate Court of Appeals of West Virginia (“ICA”). *See ACNR Resources, Inc. v. Murphy*, No. 23-ICA-369, 2023 WL 7203425 (W. Va. Ct. App. Nov. 1, 2023) (memorandum decision). Respondent Robert Murphy filed a response.¹ The issue on appeal is whether the ICA erred in affirming the July 17, 2023, decision of the West Virginia Workers’ Compensation Board of Review, which reversed the claim administrator’s denial of a request for authorization for a lumbar spine MRI, physical therapy, and a consult at the WVU Pain Clinic. The Board of Review found that the claimant had established that the requested treatments were medically related and reasonably required to treat his compensation injury.

The employer argues that the ICA and Board of Review were clearly wrong in concluding that a preponderance of the evidence demonstrates that the requested treatment is medically related to and reasonably required by the claimant’s compensable injury. Although the claimant’s treating physician recommended a lumbar MRI with contrast, additional physical therapy, and a referral to a pain clinic, the petitioner contends that Prasadarao B. Mukkamala, M.D., opined that the claimant’s compensable injury had reached maximum medical improvement and required no additional treatment. The claimant counters by asserting that the entirety of the record supports the requested additional medical treatment and diagnostic testing, as recommended by David B. Cohen, M.D., Jessica Limbacher, PA-C, as well as the providers at the WVU Department of Neurology, and Corporate Health. As such, the claimant argues that the decisions of the lower tribunals should be affirmed.

¹ The petitioner is represented by counsel Aimee M. Stern, and the respondent is represented by counsel M. Jane Glauser.

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*, 250 W. Va. 510, 905 S.E.2d 528 (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: January 14, 2025

CONCURRED IN BY:

Chief Justice William R. Wooton
Justice Elizabeth D. Walker
Justice Tim Armstead
Justice C. Haley Bunn
Justice Charles S. Trump IV