

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

Matthew Lydick,
Claimant Below, Petitioner

v.) **No. 24-293** (JCN: 2019023086)
(ICA No. 23-ICA-476)

ACNR Resources, Inc.,
Employer Below, Respondent

MEMORANDUM DECISION

Petitioner Matthew Lydick appeals the March 25, 2024, memorandum decision of the Intermediate Court of Appeals of West Virginia (“ICA”). *See Lydick v. ACNR Resources, Inc.* (“*Lydick III*”), No. 23-ICA-476, 2024 WL 1281111 (W. Va. Ct. App. Mar. 25, 2024) (memorandum decision). Respondent ACNR Resources, Inc. filed a response.¹ The issue on appeal is whether the ICA erred in affirming the September 28, 2023, decision of the West Virginia Workers’ Compensation Board of Review, which affirmed the claim administrator’s denial of authorization for a referral to a multidisciplinary treatment team.

The claimant argues that the Board of Review and the ICA were clearly wrong in affirming the denial of authorization based on a finding of maximum medical improvement by Prasadarao B. Mukkamala, M.D. However, in *Lydick v. Murray American Energy, Inc.*² (“*Lydick I*”), No. 21-0565, 2023 WL 2783186 (W. Va. Apr. 5, 2023) (memorandum decision), this Court affirmed this claim’s closure for temporary total disability benefits, and concluded that the claimant “failed to introduce sufficient evidence to refute Dr. Mukkamala’s finding of maximum medical improvement.” *Id.* at *4. In addition, this Court affirmed the denial of authorization for a referral to an orthopedic surgeon in *Lydick v. Murray American Energy, Inc.* (“*Lydick P*”), No. 21-0863, 2023 WL 1962013 (W. Va. Feb. 10, 2023) (memorandum decision). Therefore, the employer argues that this Court should likewise affirm the denial of authorization for a referral to a multidisciplinary treatment team.

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.*

¹ The claimant is represented by counsel J. Thomas Greene Jr. and T. Colin Greene, and the employer is represented by counsel Aimee M. Stern.

² It appears that the employer was formerly known as Murray American Energy, Inc.

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: March 19, 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