

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

ACNR Resources, Inc.,
Employer Below, Petitioner

v.) **No. 24-346** (JCN: 2023003773)
(ICA No. 23-ICA-552)

Ryan Hill,
Claimant Below, Respondent

MEMORANDUM DECISION

Petitioner ACNR Resources, Inc. appeals the April 22, 2024, memorandum decision of the Intermediate Court of Appeals of West Virginia (“ICA”). *See ACNR Resources, Inc. v. Hill*, No. 23-ICA-552, 2024 WL 1733798 (W. Va. Ct. App. Apr. 22, 2024) (memorandum decision). Respondent Ryan Hill filed a timely response.¹ The issue on appeal is whether the ICA erred in affirming the November 13, 2023, decision of the West Virginia Workers’ Compensation Board of Review, which reversed the claim administrator’s order denying the addition of occipital neuritis to the claim as a compensable diagnosis.

The employer argues that the lower tribunals were clearly wrong in adding occipital neuritis as a secondary condition in the claim because the Diagnosis Update request fails to provide any explanation for the basis of the diagnosis. Instead, the Diagnosis Update suggests that occipital neuritis is a symptom of the claimant’s compensable cervical injury and not an appropriate separate compensable diagnosis. The claimant counters the argument of the employer by asserting that Michael Ebbert, M.D., diagnosed occipital neuritis and explained the causal connection between the claimant’s injury and his work-related injury of July 25, 2022. As such, the claimant contends that the Board of Review and ICA were not clearly wrong in finding that occipital neuritis was causally related to the compensable injury based on Dr. Ebbert’s opinion.

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).

¹ The petitioner is represented by counsel Aimee M. Stern, and the respondent is represented by counsel Thomas Greene Jr. and T. Colin Greene.

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