

**STATE OF WEST VIRGINIA**  
**SUPREME COURT OF APPEALS**

**Linda Murphy, Dependent of Harold R. Murphy (Deceased)**  
**Claimant Below, Petitioner**

v.) **No. 24-391** (JCN: 2020023988)  
(ICA No. 23-ICA-447)

**St. Gobain Ceramics & Plastics, Inc.,**  
**Employer Below, Respondent**

**and**

**West Virginia Offices of the Insurance Commissioner**  
**in its capacity as administrator of the Old Fund,**  
**Respondent Below**

**MEMORANDUM DECISION**

Petitioner Linda Murphy appeals the June 5, 2024, memorandum decision of the Intermediate Court of Appeals (“ICA”). *See Murphy v. St. Gobain Ceramics & Plastics, Inc.*, No. 23-ICA-447, 2024 WL 2859210 (W. Va. Ct. App. Jun. 5, 2024) (memorandum decision). The respondent, the West Virginia Offices of the Insurance Commissioner acting in its capacity as administrator of the Old Fund, filed a timely response.<sup>1</sup> The issue on appeal is whether the ICA erred in affirming the Board of Review’s order, which affirmed the claim administrator’s decision denying dependent’s benefits. Respondent St. Gobain Ceramics & Plastics, Inc. did not participate on appeal. The Board of Review held that the Occupational Pneumoconiosis Board’s (“OP Board”) finding that occupational pneumoconiosis did not play a material contributing role in the decedent’s death was not clearly wrong.

The claimant argues that the Board of Review erred in failing to accord sufficient weight to the opinion of Ronald E. Gordon, Ph.D., who reviewed the decedent’s medical records and opined that he found the presence of chrysotile and amphibole type asbestos fibers in the decedent’s lung tissue. Dr. Gordon further opined that the asbestos was a causal factor for the decedent’s severe asbestosis with honeycombing and pleural plaques, which caused his right heart to enlarge and develop right heart failure. The claimant contends that the OP Board and the Board of Review improperly weighed the evidence, and the ICA was clearly wrong in failing to find that the case had merit. The employer counters by stating that the overwhelming evidence of record

---

<sup>1</sup> The petitioner is represented by counsel John H. Skaggs, and the respondent is represented by counsel H. Dill Battle III.

reflects that the claim administrator properly denied the claimant's application for dependent's benefits. As such, the employer asserts that the claimant has not met her burden of proof of establishing that occupational pneumoconiosis was a material contributing cause of the decedent's death.

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: 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