

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

Harvey Hill,
Claimant Below, Petitioner

v.) **No. 24-641** (JCN: 2020007131)
(ICA No. 24-ICA-86)

Lowe's Home Centers, Inc.,
Employer Below, Respondent

MEMORANDUM DECISION

Petitioner Harvey Hill appeals the September 4, 2024, memorandum decision of the Intermediate Court of Appeals (“ICA”). *See Hill v. Lowes Home Ctrs., Inc.*, No. 24-ICA-86, 2024 WL 4041540 (W. Va. Ct. App. Sep. 4, 2024) (memorandum decision). Respondent Lowe’s Home Centers, Inc. filed a timely response.¹ The issue on appeal is whether the ICA erred in affirming the February 5, 2024, order by the Board of Review, which affirmed the claim administrator’s orders, which (1) denied authorization for an MRI of the cervical spine; (2) denied the addition of cervical disc disorder with radiculopathy as a compensable condition; and (3) denied the addition of vertigo, paresthesias, and tremor as compensable conditions.

On appeal, the claimant argues that the ICA’s decision is clearly wrong in light of the substantial evidence in the record as a whole, and should be reversed because the evidence establishes that the claimant developed vertigo, paresthesias, and tremor as a direct result of the compensable injury. The claimant contends that he did not have cervical radiculopathy, vertigo, paresthesia, and tremors until after his exposure to toxic chemicals. As a result, the claimant argues that the conditions should be added as compensable conditions under the claim. The employer counters by arguing that the claimant failed to show a causal connection between the alleged conditions and the compensable injury.

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.

¹ The petitioner is represented by counsel Reginald D. Henry and Lori J. Withrow, and the respondent is represented by counsel Tracey B. Eberling.

ISSUED: April 22, 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