



DECISIONS, NOTICES, AND ORDERS

Monday, July 7, 2025

The Intermediate Court of Appeals of West Virginia has taken action in the following cases in the month of June 2025. This list contains only the actions of note taken by the Intermediate Court, not the content or actual date of orders or decisions.

SIGNED OPINIONS

In accordance with Rule 22, signed opinions were entered in the following cases:

Union Carbide Corporation, a subsidiary of The Dow Chemical Company v. Christina Dearien (Decedent) and Thomas Dearien (Dependent), 24-ICA-269 (Workers' Compensation Board of Review)
Affirmed (3-0) (Judge White, concurring)

Fred Starliper v. Adrienne Johnson, 24-ICA-263 (Cir. Ct. Jefferson Cnty. No. CC-19-2021-C-20)
Affirmed, in part, Reversed, in part, and Remanded (3-0)

Ameriprise Financial, Inc. v. Charles E. Vallandingham, 24-ICA-340 (Cir. Ct. Kanawha Cnty. No. CC-20-2010-C-221)
Reversed (2-1) (Judge White, dissenting)

Putnam County Aging Program, Inc., Fayette County Senior Programs, and Summers County Council on Aging v. Panhandle Support Services, Inc.; A Special Touch In Home Care, LLC; Village Caregiving, LLC; Elder Aide Services, LLC, d/b/a Right At Home; and Southern Home Care Services, Inc., d/b/a All Ways Caring Homecare, 24-ICA-97, 24-ICA-98, 24-ICA-99, 24-ICA-100, 24-ICA-122, and 24-ICA-123 (West Virginia Health Care Authority)
Affirmed, in part, Reversed, in part, and Remanded with instructions (3-0)

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Tammy S. Wratchford and Michael W. Wratchford v. Erie Insurance Property & Casualty Company; and Erie Insurance Property & Casualty Company v. Tammy S. Wratchford and Michael W. Wratchford, 24-ICA-320 and 24-ICA-331 (Cir. Ct. Hardy Cnty. No. CC-16-2018-C-3)

Affirmed, in part, Reversed, in part, and Remanded with instructions (2-1) (Judge White, concurring in part and dissenting in part)

MEMORANDUM DECISIONS

In accordance with Rule 21, memorandum decisions were entered in the following cases:

Wyoming County Board of Education v. Clisty K. Hill and Scott A. Adkins, in his capacity as Acting Commissioner of WorkForce West Virginia, 24-ICA-266 (WorkForce West Virginia Board of Review No. R-2024-0195)

Vacated and Remanded (3-0)

Bette K. Angle v. THB Land Management, LLC, 24-ICA-294 (Cir. Ct. Nicholas Cnty. No. CC-34-2023-C-AP-8)

Affirmed (3-0)

Avrial Arnetta Sayre v. Jacob Hayes Taylor, 24-ICA-307 (Cir. Ct. Jackson Cnty. No. CC-18-2021-C-21)

Vacated and Remanded (3-0)

Daniel B. Benda, Jr., Bruce P. Benda, and D.B. Benda & Sons v. WVA Manufacturing, LLC, 24-ICA-309 (Cir. Ct. Fayette Cnty. No. CC-10-2022-C-145)

Affirmed (3-0)

Jilli N. v. Joshua N., 24-ICA-313 (Fam. Ct. Tyler Cnty. No. FC-48-2021-D-30)

Affirmed (3-0)

Terry Feltner and Amy Feltner v. The Crossings at the Great Cacapon Property Owners Association, Inc., 24-ICA-336 (Cir. Ct. Hampshire Cnty. No. CC-14-2022-C-20)

Affirmed (3-0)

Consol Bailey Mine WV v. Stephen M. Polinski, 24-ICA-352 (Workers' Compensation Board of Review)

Affirmed (3-0)

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Nathaniel M. v. West Virginia Department of Human Services, Bureau for Child Support Enforcement, 24-ICA-356 (West Virginia Office of Inspector General Board of Review No. 24-BOR-2528)
Affirmed (3-0)

Rhoda M. Marchant, Timothy E. Marchant, and Timothy S. Marchant v. Preston County Office of Emergency Management/E911 and Preston County Commission, 24-ICA-364 (Cir. Ct. Preston Cnty. No. CC-39-2020-C-13)
Affirmed (3-0)

Terri Hodge, individually and in her capacity as personal representative of the Estate of William Hodge, Jr. v. Caleb Matthew Foster, 24-ICA-374 (Cir. Ct. Kanawha Cnty. No. CC-20-2023-C-589)
Reversed and Remanded (3-0)

Lisa Frick v. Terry Frick, 24-ICA-381 (Fam. Ct. Berkeley Cnty. No. FC-02-2024-D-118)
Affirmed (3-0)

Jennifer L. Jones v. HHC, LLC, and Scott A. Adkins, in his capacity as Acting Commissioner of WorkForce West Virginia, 24-ICA-388 (WorkForce West Virginia Board of Review No. R-2024-0692)
Reversed and Remanded (3-0)

Christopher N. v. Carla N., 24-ICA-389 (Fam. Ct. Raleigh Cnty. No. FC-41-2022-D-536)
Affirmed (3-0)

Jaun-Pierre V. v. Chelsea V., 24-ICA-390 (Fam. Ct. Kanawha Cnty. No. FC-20-2024-D-365)
Affirmed, in part, Vacated, in part, and Remanded (3-0)

Jon H. v. Lydia M., 24-ICA-396 (Fam. Ct. Kanawha Cnty. No. FC-20-2023-D-605)
Affirmed (3-0)

David J. Radcliff v. Momentum Pipeline, LLC, 24-ICA-399 (Workers' Compensation Board of Review)
Reversed and Remanded (3-0)

Rebecca Cappelli-Mayfield v. Martinsburg Family Diner, LLC, and Scott A. Adkins, in his official capacity as Acting Commissioner of WorkForce West Virginia, 24-ICA-400 (WorkForce West Virginia Board of Review No. R-2024-1514)
Affirmed (3-0)

West Virginia Department of Transportation/Division of Highways v. Thomas A. Powers, 24-ICA-410 (West Virginia Public Employees Grievance Board No. 2024-0527-DOT)
Reversed (3-0)

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Carmel L. Stacy v. Coronado Coal Corporation, 24-ICA-418 (Workers' Compensation Board of Review)

Affirmed (3-0)

Karen Walker v. Goodwill Industries of Kanawha Valley, Inc., 24-ICA-419 (Workers' Compensation Board of Review)

Affirmed (3-0)

Brian Lester v. West Virginia Division of Highways, 24-ICA-420 (Workers' Compensation Board of Review)

Affirmed (3-0)

Joseph Craig Dorsey v. Blackhawk Mining, LLC, 24-ICA-422 (Workers' Compensation Board of Review)

Affirmed (3-0)

VP Management, LLC v. Devorea Scarbro, 24-ICA-423 (Workers' Compensation Board of Review)

Affirmed (3-0)

Joseph B. v. Candie G., 24-ICA-425 (Fam. Ct. Upshur Cnty. No. FC-49-2018-D-182)

Affirmed (3-0)

Douglass Carey v. AAA Paving and Sealing, Inc., 24-ICA-436 (Workers' Compensation Board of Review)

Affirmed (3-0)

Pamela Poff v. Arthur Poff, 24-ICA-439 (Fam. Ct. Nicholas Cnty. No. FC-34-2021-D-65)

Affirmed, in part, Reversed, in part, and Remanded (3-0)

Robin Hammer v. Beverly Manor, 24-ICA-443 (Cir. Ct. Randolph Cnty. No. CC-42-2024-C-AP-7)

Affirmed (3-0)

Ronnie Dunlap v. Toyota Motor Manufacturing WV, Inc., 24-ICA-454 (Workers' Compensation Board of Review)

Affirmed (3-0)

Thomas L. Farley and Marie J. Farley v. David T. Hawkes and Sylvia I. Hawkes, 24-ICA-460 (Cir. Ct. Monroe Cnty. No. CC-32-2021-C-15)

Vacated and Remanded (3-0)

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West Virginia Early Learning Academy at the Capitol, LLC v. Susan Rabel, 24-ICA-472 (Workers' Compensation Board of Review)
Affirmed (3-0)

Blackhawk Mining, LLC v. Richard Ullman, 24-ICA-474 (Workers' Compensation Board of Review)
Affirmed (3-0)

Deborah Wotring v. Monongalia County Board of Education, 24-ICA-478 (West Virginia Public Employees Grievance Board No. 2024-0836-MonED)
Affirmed (3-0)

Spartan Mining Company c/o ANR v. Mark Burgess, 24-ICA-485 (Workers' Compensation Board of Review)
Affirmed (3-0)

Charleston Area Medical Center, Inc. v. Kerri Thaxton, 24-ICA-488 (Workers' Compensation Board of Review)
Affirmed (3-0)

Melissa Grajales v. Angel Rodriguez, 24-ICA-499 (Fam. Ct. Berkeley Cnty. No. FC-02-2021-D-761)
Affirmed (3-0)

Casey S. v. Jay P., 24-ICA-500 (Fam. Ct. Kanawha Cnty. No. FC-20-2022-D-679)
Affirmed (3-0)

Stephen U. v. Caren J., 24-ICA-506 (Cir. Ct. Kanawha Cnty. No. CC-20-2024-C-1334)
Affirmed (3-0)

Tedra Sayre v. Toyota Motor Manufacturing WV, Inc., 24-ICA-514 (Workers' Compensation Board of Review)
Affirmed (3-0)

Toyota Motor Manufacturing West Virginia, Inc. v. Joseph Mendenhall, 25-ICA-7 (Workers' Compensation Board of Review)
Affirmed (3-0)

Rachel B. v. Benjamin B., 25-ICA-8 (Fam. Ct. Cabell Cnty. No. FC-06-2018-D-415)
Affirmed, in part, and Vacated and Remanded (2-1) (Judge Greear, dissenting in part)

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Community Connections, Inc. v. Kellie Gunnoe and Scott A. Adkins, in his capacity as Acting Commissioner of WorkForce West Virginia, 24-ICA-316 (WorkForce West Virginia Board of Review No. R-2024-0586)

Vacated and Remanded (2-1) (Judge White, dissenting)

In re: W.S., a minor, 24-ICA-335 (Fam. Ct. Mineral Cnty. No. FC-29-2016-FIG-28)

Reversed and Remanded (3-0) (Judge Greear, concurring)

Christopher W. Farmer v. West Virginia Parkways, Economic Development & Tourism Authority, 24-ICA-387 (Workers' Compensation Board of Review)

Affirmed, in part, and Vacated and Remanded, in part (3-0)

Jana Brooke O'Dell v. Scott A. Adkins, in his capacity as Acting Commissioner of WorkForce West Virginia, and WorkForce West Virginia Board of Review, 24-ICA-426 (Cir. Ct. Kanawha Cnty. No. CC-20-2022-AA-28)

Affirmed and Remanded (2-1) (Judge White, concurring in part and dissenting in part)

In re: P.S., a minor, 24-ICA-179 (Cir. Ct. Roane Cnty. No. CC-44-2023-CIG-5)

Reversed (3-0)

Deborah Knott-Wessells v. Amy Bowman and the Estate of Tom Knott/Bowman, 24-ICA-337 (Cir. Ct. Jefferson Cnty. No. CC-19-2023-C-137)

Affirmed (3-0)

Latonya Burton v. West Virginia Division of Corrections and John and Jane Does, 24-ICA-339 (Cir. Ct. Kanawha Cnty. No. CC-20-2024-C-462)

Affirmed (3-0)

Brenda J. Whetzel v. Matthew R. Irby, in his official capacity as State Tax Commissioner of West Virginia, 24-ICA-370 (West Virginia Office of Tax Appeals No. 23-1361)

Affirmed (3-0)

Mildred J. Mazgaj v. Matthew R. Irby, in his official capacity as State Tax Commissioner of West Virginia, 24-ICA-395 (West Virginia Office of Tax Appeals No. 23-1064)

Affirmed (3-0)

DaShanda G. v. Shane G., 24-ICA-432 (Fam. Ct. Jefferson Cnty. No. FC-19-2023-D-242)

Vacated and Remanded (3-0)

Shabeen Shafii v. Kaden Thomas, 24-ICA-433 (Cir. Ct. Kanawha Cnty. No. CC-20-2023-C-959)

Affirmed (3-0)

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West Virginia Department of Transportation, Division of Highways v. Vicki L. West and Scott A. Adkins, in his official capacity as Acting Commissioner of WorkForce West Virginia, 24-ICA-461 (WorkForce West Virginia Board of Review No. R-2024-2108)
Vacated and Remanded (3-0)

Frank Mayer v. City of Clarksburg, 24-ICA-462 (Workers' Compensation Board of Review)
Affirmed (3-0)

Monongalia County Commission v. Skyler R. Clemons, 24-ICA-463 (Workers' Compensation Board of Review)
Affirmed (3-0)

Siraaj M. v. Stephanie M., 24-ICA-466 (Fam. Ct. Jefferson Cnty. No. FC-19-2011-D-509)
Affirmed (3-0)

Grimstone Mining, LLC v. James Church, 24-ICA-477 (Workers' Compensation Board of Review)
Affirmed (3-0)

Philip Harris v. AHF, LLC, 24-ICA-504 (Workers' Compensation Board of Review)
Affirmed (3-0)

Tammie Adams, Dependent of Kenneth D. Adams (Deceased) v. Greyhead Mining Company, Inc., Mahon Enterprises, Inc., and West Virginia Offices of the Insurance Commissioner, in its capacity as administrator of The Old Fund, 24-ICA-510 (Workers' Compensation Board of Review)
Affirmed (3-0)

Murray American Energy, Inc. v. Richard Yost, 25-ICA-1 (Workers' Compensation Board of Review)
Affirmed (3-0)

David Bolyard v. Tri-State Physician Management, Inc., and West Virginia Offices of the Insurance Commissioner, in its capacity as administrator of The Old Fund, 25-ICA-14 (Workers' Compensation Board of Review)
Affirmed (3-0)

Georgian American Alloys, Inc. v. Mark Davis, 25-ICA-49 (Workers' Compensation Board of Review)
Affirmed (3-0)

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument:

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Bradley A. Reed v. P. Todd Phillips, 24-ICA-455 (Cir. Ct. Monongalia Cnty. No. CC-31-2022-C-124) (3-0)

In re: Expungement of Record of M.W., 24-ICA-496 (Cir. Ct. Randolph Cnty. No. CC-42-2024-P-86) (3-0)

ORDERS

Orders of note were entered in the following cases:

Jarrod K. v. Tausba M., 25-ICA-223 (Cir. Ct. Harrison Cnty. No. FC-17-2024-D-175)
Held in Abeyance (3-0)

James B. v. Kristin R., 25-ICA-172 (Fam. Ct. Kanawha Cnty. No. FC-20-2017-D-616)
Motion to Dismiss Refused (3-0)

Fernando Marquez v. Tracardebre, LLC, 24-ICA-303 (Workers' Compensation Board of Review)
Petition for Rehearing Refused (3-0)

City of Wheeling v. David Gilbert, 25-ICA-222 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

Pilgrim's Pride Corporation of West Virginia v. Becky Bell, 25-ICA-218 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

Joshua Dower v. Melissa Dower, 24-ICA-310 (Fam. Ct. Monongalia Cnty. No. FC-31-2018-D-176)
Petition for Rehearing Refused (3-0)

Melody Light-Siders v. West Virginia Department of Human Services, Bureau for Social Services, 25-ICA-124 (West Virginia Office of Inspector General Board of Review No. 25-BOR-1022)
Motion to Dismiss Granted (3-0)