

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

Blackhawk Mining, LLC,
Employer Below, Petitioner

v.) **No. 25-105** (JCN: 2021020512)
 (ICA No. 24-ICA-184)

Harris Argabright,
Claimant Below, Respondent

MEMORANDUM DECISION

Petitioner Blackhawk Mining, LLC, appeals the December 6, 2024, memorandum decision of the Intermediate Court of Appeals (“ICA”). *See Blackhawk Mining, LLC v. Argabright*, No. 24-ICA-184, 2024 WL 5010603 (W. Va. Ct. App. Dec. 6, 2024) (memorandum decision). Respondent Harris Argabright filed a timely response.¹ The issue on appeal is whether the ICA erred in affirming the March 27, 2024, order by the Workers’ Compensation Board of Review. The Board of Review reversed the claim administrator’s order dated September 19, 2023, and authorized an MRI of the lumbar spine.

On appeal, the employer argues that the decision of the ICA, which affirmed the Board of Review to authorize a third MRI of the claimant’s lumbar spine, was in violation of statutory provisions and the result of clearly erroneous conclusions of law. The employer asserts that the only compensable condition in this claim is a lumbar strain and contends that the claimant has already undergone two MRIs of his lumbar spine. The employer argues that the request for the third MRI was to evaluate the claimant’s preexisting noncompensable degenerative condition to determine if there had been an interval change. Accordingly, the employer requests this Court to reverse the decision of the ICA and to reinstate the claim administrator’s order dated September 19, 2023. The claimant counters by arguing that the Board of Review, as the trier of fact, thoroughly reviewed the record and found the report of Rajesh Patel, M.D., reliable for determining that an MRI is medically related and reasonably required to treat the claimant’s compensable condition. As such, the claimant argues that the ICA’s memorandum decision should be affirmed.

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 petitioner is represented by counsel Jeffrey B. Brannon, and the respondent is represented by counsel Reginald D. Henry and Lori J. Withrow.

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: July 28, 2025

CONCURRED IN BY:

Chief Justice William R. Wooton
Justice Tim Armstead
Justice C. Haley Bunn
Justice Charles S. Trump IV