

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

**Ricky Johnson,**  
**Claimant Below, Petitioner**

v.)     **No. 25-98**     (JCN: 2015034120)  
                              (ICA No. 24-ICA-250)

**Pinnacle Mining Company,**  
**Employer Below, Respondent**

**MEMORANDUM DECISION**

Petitioner Ricky Johnson appeals the December 6, 2024, decision of the Intermediate Court of Appeals of West Virginia (“ICA”). *See Johnson v. Pinnacle Mining Co.*, No. 24-ICA-250, 2024 WL 5002992 (W. Va. Ct. App. Dec. 6, 2024) (memorandum decision). Respondent Pinnacle Mining Company filed a timely response.<sup>1</sup> The issue on appeal is whether the ICA erred in affirming the May 22, 2024, decision of the West Virginia Workers’ Compensation Board of Review affirming the claim administrator’s denial of the claimant’s application for a permanent total disability award because he did not meet the required 50% threshold for consideration of such an award.

The claimant asserts that his work-related injuries resulted in multiple and significant awards of permanent partial disability benefits. Thus, the claimant argues that the Board of Review erred in finding that he does not meet the 50% impairment threshold, set forth in West Virginia Code § 23-4-6(n)(1), for the consideration of a permanent total disability award. The claimant further argues that the record reveals that he has not been able to work since 2015 due to the residual symptoms from his compensable injuries. Therefore, the claimant argues that this Court should reverse the ICA and open the claim for consideration for a permanent total disability award. The employer counters by arguing that, due to the claimant’s failure to provide sufficient evidence demonstrating 50% impairment, the ICA did not err in affirming the determination that the claimant was not eligible for consideration of permanent total disability benefits.

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.*

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<sup>1</sup> The claimant appears by counsel Reginald D. Henry and Lori J. Withrow, and the employer appears by counsel T. Jonathan Cook. For reasons not readily apparent in the record on appeal, the employer identifies itself as “Cleveland-Cliffs, Inc.” instead of “Pinnacle Mining Company,” which was the employer identified below. However, we use the name of the employer as designated in the order on appeal.

*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