FILED September 16, 2025

STATE OF WEST VIRGINIA SUPREME COURT OF APPEALS

C. CASEY FORBES, CLERK SUPREME COURT OF APPEALS OF WEST VIRGINIA

Patriot Coal Corporation, Employer Below, Petitioner

v.) No. 25-255 (JCN: 2009095421) (ICA No. 24-ICA-318)

Andrea O'Neal, dependent of Jason O'Neal (deceased), Claimant Below, Respondent

MEMORANDUM DECISION

Petitioner Patriot Coal Corporation appeals the February 28, 2025, memorandum decision of the Intermediate Court of Appeals of West Virginia ("ICA"). *See Patriot Coal Corporation v. O'Neal*, No. 24-ICA-318, 2025 WL 658346 (W. Va. Ct. App. Feb. 28, 2025) (memorandum decision). Respondent Andrea O'Neal, dependent of Jason O'Neal (deceased), filed a timely response. The issue on appeal is whether the ICA erred in affirming the July 17, 2024, decision of the West Virginia Workers' Compensation Board of Review, which reversed the claim administrator's order denying the claimant's claim for death benefits. In awarding death benefits, the Board found that the 2009 compensable injury materially contributed to the decedent's death in October 2022.²

The employer asserts that the evidentiary record does not demonstrate that nonalcoholic steatohepatitis, which was the immediate cause of the decedent's death, was related to the compensable injury. The employer argues that the medical opinions relied upon by the Board of Review do not support the awarding of death benefits in this case. Therefore, the employer argues that this Court should reverse the ICA and reinstate the denial of death benefits. The claimant counters by arguing that the Board of Review was not clearly wrong in reversing the denial of death benefits in view of the reliable, probative, and substantial evidence on the record. The claimant argues that the Board did not clearly err in finding the claimant's medical experts, which included the decedent's treating physician, more persuasive than the employer's medical experts.

¹ The employer appears by counsel Toni J. Williams, and the claimant appears by counsel L. Danté DiTrapano and David H. Carriger.

² The decedent sustained several severe injuries when he was run over by a mine car while working for the employer in June 2009.

Therefore, the claimant argues that this Court should affirm the ICA's affirmation of the Board of Review's decision granting death 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. 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: September 16, 2025

CONCURRED IN BY:

Chief Justice William R. Wooton Justice Charles S. Trump IV Justice Thomas H. Ewing Senior Status Justice John A. Hutchison

DISSENTING:

Justice C. Haley Bunn

Bunn, Justice, dissenting:

I dissent to the majority's resolution of this case. I would have set this case for oral argument to thoroughly address the error alleged in this appeal. Having reviewed the parties' briefs and the issues raised therein, I believe a formal opinion of this Court was warranted, not a memorandum decision. Accordingly, I respectfully dissent.