

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

Board of Review were erroneous, and the claim administrator's orders denying the occupational disease claim and denying the claim for death benefits should be reinstated. The claimant counters by arguing that, as a surface mine blaster for the employer, exposure to large quantities of airborne dirt plumes was a natural consequence of the decedent's job, and that exposure was far greater than the decedent or any other worker could possibly have outside of his specific work. The claimant argues that the Board of Review's decision to hold the claim compensable for mucormycosis and award death benefits was supported by sufficient evidence. In reply, the employer argues that the medical opinions supporting compensability are nothing more than speculation because those physicians simply repeated what the decedent told them without further inquiry.

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 10, 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.