

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

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

Marion County Coal Resources,
Employer Below, Petitioner

v.) **No. 25-407** (JCN: 2024013238)
(ICA No. 24-ICA-412)

Andrew Mayle,
Claimant Below, Respondent

MEMORANDUM DECISION

Petitioner Marion County Coal Resources appeals the April 29, 2025, memorandum decision of the Intermediate Court of Appeals of West Virginia (“ICA”). *See Marion County Coal Resources v. Mayle*, No. 24-ICA-412, 2025 WL 1249560 (W. Va. Ct. App. Apr. 29, 2025) (memorandum decision). Respondent Andrew Mayle filed a timely response.¹ The issue on appeal is whether the ICA erred in affirming the September 17, 2024, decision of the West Virginia Workers’ Compensation Board of Review (“Board of Review”), which reversed the claim administrator’s March 9, 2024, order denying the compensability of the claim. The Board of Review held the claim compensable for a right ankle sprain.²

The employer asserts that the ICA and the Board of Review erred in finding that the claimant sustained an occupational injury to his right ankle because the claimant was still experiencing symptoms from his prior, non-work-related injury immediately before the new injury allegedly occurred in January 2024. The claimant counters by arguing that the ICA and the Board of Review did not err in finding that he sustained an occupational injury to his right ankle in January 2024, and his claim was therefore compensable.

¹ The employer is represented by counsel Aimee M. Stern, and the claimant is self-represented.

² In September 2023, the claimant sustained a non-occupational right ankle injury for which he underwent surgery in November 2023. The Board of Review found that, in January 2024, the claimant sprained his right ankle while working for the employer. The Board of Review remanded the claim to the claim administrator to determine the extent to which the claimant is entitled to temporary total disability benefits for the compensable injury.

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: October 21, 2025

CONCURRED IN BY:

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