

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

TERESA F. SNIDER,
Claimant Below, Petitioner

FILED
September 10, 2013
RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

vs.) **No. 11-1591** (BOR Appeal No. 2046079)
(Claim No. 2001018681)

and

**WEST VIRGINIA OFFICE OF
INSURANCE COMMISSIONER**
Commissioner Below, Respondent

and

MONONGALIA COUNTY BOARD OF EDUCATION
Employer Below, Respondent

MEMORANDUM DECISION

Petitioner Teresa F. Snider, pro se, appeals the decision of the West Virginia Workers' Compensation Board of Review.

This appeal arises from the Board of Review's Final Order dated November 17, 2011, in which the Board affirmed a May 26, 2011, Order of the Workers' Compensation Office of Judges. In its Order, the Office of Judges affirmed the claims administrator's October 15, 2010, Order denying the claim as time barred. The Court has carefully reviewed the records, written arguments, and appendices contained in the briefs, and the case is mature for consideration.

This Court has considered the parties' briefs and the record on appeal. The facts and legal arguments are adequately presented, and the decisional process would not be significantly aided by oral argument. Upon consideration of the standard of review, the briefs, and the record presented, the Court finds no substantial question of law and no prejudicial error. For these reasons, a memorandum decision is appropriate under Rule 21 of the Rules of Appellate Procedure.

Ms. Snider sustained an injury to her right wrist on May 11, 2000, while working for the Monongalia County Board of Education. Ms. Snider was awarded a 12% permanent partial disability award on January 31, 2003. On August 27, 2010, Ms. Snider submitted an application to reopen her claim for consideration of an additional partial permanent disability award. The

claims administrator denied the petition as being time barred. Ms. Snider appealed and argues that she is entitled to an additional permanent partial disability award.

The Office of Judges concluded that Ms. Snider's request to reopen her claim for an additional permanent partial disability award on or about August 27, 2010, was untimely filed. The Office of Judges noted that West Virginia Code §23-4-16(a)(2) (2009) mandates that in any claim, in which an award of permanent disability has been made, reopening requests must be filed within five years of the date of the initial award. Ms. Snider was awarded a 12% permanent partial disability award on January 31, 2003. Seven years later, Ms. Snider filed a request to reopen her claim for an additional partial permanent disability award. Ms. Snider exceeded the filing period by more than two years. The Office of Judges held that the claims administrator's Order denying Ms. Snider's request to reopen her claim was proper. The Board of Review reached the same reasoned conclusions. We agree that Ms. Snider's petition to reopen her claim for an additional partial permanent disability award was untimely filed.

For the foregoing reasons, we find that the decision of the Board of Review is not in clear violation of any constitutional or statutory provision, nor is it clearly the result of erroneous conclusions of law, nor is it based upon a material misstatement or mischaracterization of the evidentiary record. Therefore, the decision of the Board of Review is affirmed.

Affirmed.

ISSUED: September 10, 2013

CONCURRED IN BY:

Chief Justice Brent D. Benjamin

Justice Robin J. Davis

Justice Margaret L. Workman

Justice Menis E. Ketchum

Justice Allen H. Loughry II