

STATE OF WEST VIRGINIA

SUPREME COURT OF APPEALS

**KEVIN S. GOFF,
Claimant Below, Petitioner**

FILED

July 20, 2018
EDYTHE NASH GAISER, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

vs.) **No. 18-0320** (BOR Appeal No. 2052195)
(Claim No. 2011027511)

**WV DIVISION OF NATURAL RESOURCES,
Employer Below, Respondent**

MEMORANDUM DECISION

Petitioner Kevin S. Goff, by Jonathan C. Bowman, his attorney, appeals the decision of the West Virginia Workers' Compensation Board of Review. The West Virginia Division of Natural Resources did not file a response.

The issue on appeal is the amount of permanent partial disability benefits resulting from the compensable injury. In an Order dated March 18, 2016, the claims administrator granted Mr. Goff a 3% permanent partial disability award for psychiatric impairment. On August 23, 2017, the Workers' Compensation Office of Judges reversed the decision of the claims administrator and granted Mr. Goff an additional 2% permanent partial disability award representing a total 5% psychiatric permanent partial disability award. The Board of Review issued an Order dated March 13, 2018, which affirmed the decision of the Office of Judges. 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.

Mr. Goff worked as a police officer for the West Virginia Division of Natural Resources. On February 6, 2011, Mr. Goff was struck in the right eye by a briar and developed an infection that caused him to have his right eye removed. The claim was held compensable for the following conditions: orbital cellulitis, acute iridocyclitis not otherwise specified, and