

**STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS**

**KGPCO, Inc.,
Employer Below, Petitioner**

**v.) No. 23-351 (JCN: 2021000333)
 (ICA No. 22-ICA-246)**

**Michael Eden,
Claimant Below, Respondent**

**FILED
August 27, 2024**

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

MEMORANDUM DECISION

Petitioner KGPCO, Inc. appeals the April 10, 2023, memorandum decision of the Intermediate Court of Appeals (“ICA”). *See KGPCO, Inc. v. Eden*, No. 22-ICA-246, No. 2023 WL 2863248 (W. Va. Ct. App. April 10, 2023) (memorandum decision). Respondent Michael Eden filed a timely response.¹ The issue on appeal is whether the ICA erred in finding that the Board of Review was not clearly wrong in awarding Mr. Eden an additional seventeen percent (17%) permanent partial disability award.

On appeal, KGPCO, Inc. argues that the Board of Review erred in accepting the opinion of Robert B. Walker, M.D., because the record does not establish any limitations in Mr. Eden’s activities of daily living, or any required future treatment as a result of the scarring component of his injury. As such, KGPCO, Inc. asserts that the ICA should have reversed the Board of Review’s decision. Mr. Eden counters by arguing that Dr. Walker’s report was the most consistent with the evidence of the record, and there was no basis for the ICA to reverse the ruling of the Board of Review.

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*, No. 23-43, 2024 WL 1715166 (W. Va. April 22, 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: August 27, 2024

¹ The petitioner is represented by counsel Daniel G. Murdock, and the respondent is represented by counsel Reginald D. Henry and Lori J. Withrow.

CONCURRED IN BY:

Chief Justice Tim Armstead
Justice Elizabeth D. Walker
Justice John A. Hutchison
Justice William R. Wooton
Justice C. Haley Bunn