

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

**Gayla Adkins,
Claimant Below, Petitioner**

**v.) No. 23-609 (JCN: 2020009859)
 (ICA No. 23-ICA-197)**

**Brightspring Healthcare Services,
Employer Below, Respondent**

**FILED
August 27, 2024**

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

MEMORANDUM DECISION

Petitioner Gayla Adkins appeals the September 5, 2023, memorandum decision of the Intermediate Court of Appeals (“ICA”). *See Adkins v. Brightspring Healthcare Servs.*, No. 23-ICA-197, 2023 WL 5695520 (W. Va. Ct. App. Sep. 5, 2023) (memorandum decision). Respondent Brightspring Healthcare Services filed a timely response.¹ The issue on appeal is whether the ICA erred in affirming the Board of Review’s order, which affirmed the claim administrator’s order granting Ms. Adkins a 7% permanent partial disability award.

On appeal, the petitioner argues that the ICA’s decision is clearly wrong in light of the substantial evidence in the record as a whole, and should be reversed because the preponderance of the evidence establishes that she sustained more than 7% whole person impairment as a result of her compensable injury. The respondent counters by arguing that the petitioner points to no erroneous procedure, no arbitrary or capricious conclusions, no abuse of discretion or jurisdictional error by the lower tribunals. Rather, she simply disagrees with the ICA’s decision, which does not constitute reversible error under the applicable standard 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 Reginald D. Henry and Lori J. Withrow, and the respondent is represented by counsel Steven K. Wellman and James W. Heslep.

CONCURRED IN BY:

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