

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

**Ryan Marsteller,**  
**Claimant Below, Petitioner**

v.) **No. 23-639** (JCN: 2022019803)  
(ICA No. 23-ICA-119)

**Masters of Disasters, LLC,**  
**Employer Below, Respondent**

**MEMORANDUM DECISION**

Petitioner Ryan Marsteller appeals the September 5, 2023, memorandum decision of the Intermediate Court of Appeals of West Virginia (“ICA”). *See Marsteller v. Masters of Disasters, LLC*, No. 23-ICA-119, 2023 WL 5696096 (W. Va. Ct. App. Sept. 5, 2023) (memorandum decision). Respondent Masters of Disasters, LLC filed a response.<sup>1</sup> The issue on appeal is whether the ICA erred in affirming the February 28, 2023, decision of the West Virginia Workers’ Compensation Board of Review, which affirmed the claim administrator’s May 20, 2022, order denying the claim.

The claimant asserts that he repeatedly and consistently described an isolated fortuitous event that resulted in an occupational injury. The employer counters by arguing that the Board properly found that the claimant lacked credibility in claiming a workplace injury in this case. The employer further argues that the claimant points to no erroneous procedure, no arbitrary or capricious conclusions, and no abuse of discretion or jurisdictional error by the tribunals below.

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.

---

<sup>1</sup> The claimant is represented by counsel J. Thomas Greene, Jr. and T. Colin Greene, and the employer is represented by counsel Steven K. Wellman and James W. Heslep.

**ISSUED: November 26, 2024**

**CONCURRED IN BY:**

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