

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

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

**Renee Wheeler,**  
**Claimant Below, Petitioner**

v.) **No. 24-186** (JCN: 2020011957)  
(ICA No. 23-ICA-417)

**Cardinal Health 110, LLC,**  
**Employer Below, Respondent**

**MEMORANDUM DECISION**

Petitioner Renee Wheeler appeals the November 1, 2023, memorandum decision of the Intermediate Court of Appeals of West Virginia (“ICA”). *See Wheeler v. Cardinal Health 110, LLC*, No. 23-ICA-417 2024 WL 1589685 (W. Va. App. Feb. 8, 2024) (memorandum decision). Respondent Cardinal Health 110, LLC<sup>1</sup> filed a response.<sup>2</sup> The issue on appeal is whether the ICA erred in affirming the August 23, 2023, decision of the West Virginia Workers’ Compensation Board of Review, which affirmed the claim administrator’s June 7, 2022, order granting 1% permanent partial disability.

The claimant asserts that because she had no symptoms before the compensable injury occurred, the results of her thoracic spine MRI must be considered in determining impairment pursuant to Syllabus Point 5, *Moore v. ICG Tygart Valley, LLC*, 247 W. Va. 292, 879 S.E.2d 779 (2022). Thus, the claimant argues that the report of Bruce A. Guberman, M.D., was credible. Because Dr. Guberman found that the claimant had 7% impairment due to the compensable injury (including 6% impairment for the thoracic spine), the claimant argues that she should be granted an additional 6% for a total of 7% permanent partial disability. The employer counters by arguing that the claimant improperly asks this Court to reweigh the evidence as the Board of Review and the ICA determined that the report of Victoria M. Langa, M.D., was more persuasive than Dr. Guberman’s report. Therefore, the employer argues that the Board of Review and the ICA properly

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<sup>1</sup> While the claimant refers to the employer as a corporation, the employer identifies itself as limited liability company.

<sup>2</sup> The claimant is represented by counsel Sandra K. Law, and the employer is represented by counsel Jane Ann Pancake and Jeffrey B. Brannon.

affirmed the 1% permanent partial disability award granted to the claimant based on Dr. Langa's report.<sup>3</sup>

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.

**ISSUED: January 14, 2025**

**CONCURRED IN BY:**

Chief Justice William R. Wooton  
Justice Elizabeth D. Walker  
Justice Tim Armstead  
Justice C. Haley Bunn  
Justice Charles S. Trump IV

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<sup>3</sup> Drs. Langa and Guberman agreed that the claimant had 1% impairment for the left shoulder.