

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

**Cathy J. Fontana,**  
**Claimant Below, Petitioner**

v.) **No. 24-416** (JCN: 2018017187)  
(ICA No. 23-ICA-571)

**Mato Corporation,**  
**Employer Below, Respondent**

**MEMORANDUM DECISION**

Petitioner Cathy J. Fontana appeals the May 23, 2024, memorandum decision of the Intermediate Court of Appeals (“ICA”). *See Fontana v. Mato Corp.*, No. 23-ICA-571, 2024 WL 2376961 (W. Va. Ct. App. May 23, 2024) (memorandum decision). Respondent Mato Corporation filed a timely response.<sup>1</sup> The issue on appeal is whether the ICA erred in affirming the December 6, 2023, order of the Board of Review, which affirmed the claim administrator’s July 8, 2022, decision granting Ms. Fontana no additional permanent partial disability award beyond the 8% award that was previously granted.

On appeal, the claimant argues that the ICA’s decision is clearly wrong and should be reversed because the preponderance of the evidence establishes that she sustained more than an 8% permanent partial disability from her compensable injury. The claimant contends that the Board of Review disregarded the opinion of Bruce Guberman, M.D., who explained that her condition had progressed. Dr. Guberman opined that the claimant had 1% whole person impairment for a partial medial meniscectomy and a 10% whole person impairment for moderate cruciate and collateral ligament laxity, for a total whole person impairment of 11% due to the compensable injury. The employer counters by arguing that the Board of Review correctly concluded that Dr. Guberman’s report was less reliable than the other reports in the record. As such, the ICA’s memorandum decision should be affirmed.

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).

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

Affirmed.

**ISSUED: March 19, 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