

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

Granville Sesco,
Claimant Below, Petitioner

v.) **No. 24-648** (JCN: 2017030136)
 (ICA No. 24-ICA-138)

Brooks Run South Mining, LLC, C/O ANR,
Employer Below, Respondent

MEMORANDUM DECISION

Petitioner Granville Sesco appeals the September 4, 2024, memorandum decision of the Intermediate Court of Appeals (“ICA”). *See Sesco v. Brooks Run South Mining, LLC*, No. 24-ICA-138, 2024 WL 4041505 (W. Va. Ct. App. Sept. 4, 2024) (memorandum decision). Respondent Brooks Run South Mining, LLC, C/O ANR, filed a timely response.¹ The issue on appeal is whether the ICA erred in affirming the March 4, 2024, order by the Board of Review, which affirmed the claim administrator’s October 14, 2022, order granting Mr. Sesco a 1% permanent partial disability award.

On appeal, the claimant contends that the ICA should have reversed the Board of Review’s decision because it was clearly wrong. The claimant argues that Prasadarao B. Mukkamala, M.D., and David L. Soulsby, M.D., disregarded the claimant’s clinically reported symptoms, and the Board of Review was clearly wrong to rely on their reports. Furthermore, the claimant asserts that the reports should have been found to be of equal weight and resolved in the manner most consistent with his position. As such, the claimant argues that the preponderance of the evidence provides that he sustained more than 1% whole person impairment due to his compensable injury. The respondent disagrees with the petitioner’s position by arguing that the Board of Review thoroughly weighed all of the evidence of record and the ICA’s ruling is consistent with the applicable law and supported by the reliable, probative, and substantial evidence within the record.

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).

¹ The petitioner is represented by counsel Reginald D. Henry and Lori J. Withrow, and the respondent is represented by counsel Sean Harter.

Affirmed.

ISSUED: May 28, 2025

CONCURRED IN BY:

Justice Elizabeth D. Walker
Justice Tim Armstead
Justice C. Haley Bunn
Justice Charles S. Trump IV

DISSENTING:

Chief Justice William R. Wooton

WOOTON, Chief Justice, dissenting:

I dissent to the majority's resolution of this case. I would have set this case for oral argument to thoroughly address the error alleged in this appeal. Having reviewed the parties' briefs and the issues raised therein, I believe a formal opinion of this Court was warranted, not a memorandum decision. Accordingly, I respectfully dissent.