

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

**Juan Zavala,**  
**Claimant Below, Petitioner**

v.)      **No. 24-657**      (JCN: 2020020480)  
   (ICA No. 24-ICA-92)

**Concrete Pipe & Precast Martinsburg,**  
**Employer Below, Respondent**

**MEMORANDUM DECISION**

Petitioner Juan Zavala appeals the September 4, 2024, memorandum decision of the Intermediate Court of Appeals (“ICA”). *See Zavala v. Concrete Pipe & Precast Martinsburg*, No. 24-ICA-92, 2024 WL 4041534 (W. Va. Ct. App. Sept. 4, 2024) (memorandum decision). Respondent Concrete Pipe & Precast Martinsburg filed a timely response.<sup>1</sup> The issue on appeal is whether the ICA erred in affirming the February 5, 2024, order by the Board of Review, which affirmed the claim administrator order granting Mr. Zavala an 11% permanent partial disability award.

On appeal, the claimant 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 evidence establishes that the claimant has 20% permanent partial disability impairment for 16-degree valgus deformity at the right knee and significant limited range of motion. The claimant contends that the Board of Review was clearly wrong in not accepting the opinion of Bruce A. Guberman, M.D., whose impairment rating noted the long-term effects of the compensable injury. The employer counters by arguing that the claimant has failed to establish the existence of any reversible error by either the Board of Review or the ICA. As such, the employer asserts that the petition for appeal should be denied.

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.

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<sup>1</sup> The petitioner is represented by counsel J. Thomas Greene Jr. and T. Colin Greene, and the respondent is represented by Melissa M. Stickler.

**ISSUED: May 28, 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