

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

ACNR Resources, Inc.
Employer Below, Petitioner

v.) **No. 25-663** (JCN: 2023008854)
(ICA No. 25-ICA-9)

Danielle Goff
Claimant Below, Respondent

MEMORANDUM DECISION

Petitioner ACNR Resources, Inc. appeals the August 6, 2025, memorandum decision of the Intermediate Court of Appeals (“ICA”). *See ACNR Resources, Inc. v. Goff*, No. 25-ICA-9, 2025 WL 2239307 (W. Va. Ct. App. Aug. 6, 2025) (memorandum decision). Respondent Danielle Goff filed a timely response.¹ The issue on appeal is whether the Board of Review erred in reversing the claim administrator’s October 17, 2023, order granting a 3% permanent partial disability award and granting an additional 3% award, for a total award of 6% permanent partial disability.

On appeal, the employer asserts that the ICA erred in affirming the Board of Review’s decision finding the report of Bruce Guberman, M.D., to be the most credible evidence of the claimant’s permanent impairment resulting from her compensable injuries, which consisted of fractures of her right tibia and right fibula.² The employer argues that the findings and conclusions of Prasadarao B. Mukkamala, M.D., were more consistent with the findings of the claimant’s treating physician, Michelle Bramer, M.D. The claimant counters by arguing that the Board of Review explained that given the serious nature of the claimant’s injuries, including a prolonged absence from work and two surgeries, Dr. Guberman’s findings were more consistent with the seriousness of the claimant’s injury and therefore entitled to greater weight. The claimant contends that the employer does not raise an argument that satisfies the statutory requirements for the reversal of the decisions below. As such, the decision of the ICA 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.*

¹ The petitioner is represented by counsel Aimee M. Stern, and the respondent is represented by counsel Christopher J. Wallace.

² The petitioner, a coal miner, was injured when a rail track weighing approximately one ton fell onto her right leg.

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: March 24, 2026

CONCURRED IN BY:

Chief Justice C. Haley Bunn
Justice William R. Wooton
Justice Charles S. Trump IV
Justice Thomas H. Ewing
Justice Gerald M. Titus III