**FILED**
**November 4, 2026**
C. CASEY FORBES, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

# STATE OF WEST VIRGINIA
# SUPREME COURT OF APPEALS

**Brenna Collis,**
**Claimant Below, Petitioner**

**v.)** **No. 25-888** (JCN: 2021015806)
(ICA No. 25-ICA-168)

**Ecolab, Inc.,**
**Employer Below, Respondent**

## MEMORANDUM DECISION

Petitioner Brenna Collis appeals the October 24, 2025, order of the Intermediate Court of Appeals ("ICA"), affirming the Board of Review's March 26, 2025, decision, which affirmed the claim administrator's order dated December 19, 2023. *See Collis v. Ecolab, Inc.*, No. 25-ICA-168, 2025 WL 2993706 (W. Va. Ct. App. Oct. 24, 2025) (memorandum decision). In its order, the claim administrator granted the claimant a 10% permanent partial disability ("PPD") award for her compensable knee injury. Respondent Ecolab, Inc. filed a timely response.[1] We determine that oral argument is unnecessary and that a memorandum decision summarily affirming the dismissal of the petitioner's claim is appropriate. *See* W. Va. R. App. P. 21(c).

On appeal, the claimant argues that the ICA was clearly wrong in affirming the Board of Review's order, which affirmed the granting of a 10% PPD award in light of the reliable, probative, and substantial evidence in the whole record. Bruce Guberman, M.D., found that the claimant's January 26, 2021, work injury acted upon her previously dormant preexisting condition, causing it to become symptomatic. As a result, the claimant has undergone a right total knee replacement, but continuously experienced pain and limitations in her right knee post-surgery despite its intended corrective nature. Utilizing the American Medical Association's *Guides to the Evaluation of Permanent Impairment* (4th ed.), Dr. Guberman found that the claimant's ongoing symptoms correlate to 30% impairment, with 10% apportioned to preexisting conditions. The claimant argues that she should be awarded an additional 10% PPD award, as detailed and supported by Dr. Guberman's June 10, 2024, evaluation.

[1] The petitioner is represented by counsel J. Thomas Greene Jr. and T. Colin Greene, and the respondent is represented by counsel James S. Maloney.

The employer counters by arguing that Dr. Guberman's analysis is rife with objective findings that do not comport with the claimant's medical records, and he fails to mention two subsequent injuries to the knee leading to a possible avulsion fracture. The Board of Review determined that Dr. Guberman's range of motion finding of 115° flexion in the right knee was not supported by the medical evidence, and that all of the other physicians found that the claimant had at least 120° flexion in the right knee, indicating a fair result from knee surgery. As such, the employer argues that the preponderance of the evidence is against the claimant's argument and this Court should affirm the ICA's decision.

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: November 4, 2026**

**CONCURRED IN BY:**

Chief Justice C. Haley Bunn
Justice William R. Wooton
Justice Charles S. Trump IV
Justice H. L. Kirkpatrick
Justice James W. Flanigan