

SUPREME COURT OF WYOMING

Loberg v. State ex rel. Wyoming Workers' Safety & Compensation  
Division, 2004 WY 48

88 P.3d 1045 (Wyo. 2004) · Decided April 30, 2004

SUMMARY

The Wyoming Supreme Court affirmed the denial of Debbie Loberg’s claim for an additional \$2,500 payment following her husband’s work-related death. The court held that the applicable statute authorized reimbursement for burial and other related expenses incurred and substantiated by receipts or other substantial evidence, rather than an automatic lump-sum benefit. The court also encouraged the Workers’ Safety and Compensation Division to clarify the scope of burial benefits in its rules.

CASE DETAILS

|                       |                                                                                                                                                                                                                                         |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Wyoming                                                                                                                                                                                                                |
| WRITING FOR THE COURT | Hill, Chief Justice; Golden; Hill; Kite; Lehman; Voigt                                                                                                                                                                                  |
| JURISDICTION          | Wyoming                                                                                                                                                                                                                                 |
| DECIDED               | April 30, 2004                                                                                                                                                                                                                          |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Appeal from a district court judgment affirming an Office of Administrative Hearings ruling denying additional workers' compensation burial-related benefits.                                                                           |
| STANDARD OF REVIEW    | De novo review applies to statutory construction because it presents a question of law. The court also stated that it gives deference to an agency's interpretation when that interpretation does not conflict with legislative intent. |
| PRECEDENTIAL VALUE    | Published Wyoming Supreme Court opinion; precedential                                                                                                                                                                                   |
| PARTIES               | Debbie Loberg v. State ex rel. Wyoming Workers' Safety & Compensation Division                                                                                                                                                          |

TOPICS

- workers compensation
- statutory interpretation
- administrative law
- judicial review of agency action

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Wyo. Stat. § 27-14-403(e)(ii) entitles a surviving spouse to an automatic \$2,500 lump-sum payment for other burial-related expenses in addition to reimbursement of burial expenses up to \$2,500.
2. Whether the statute permits reimbursement for related expenses that are not documented by receipts or other substantial evidence.
3. Whether the Division's interpretation and implementation of the burial-benefit provision conflicted with legislative intent.

## HOLDINGS

1. The second \$2,500 amount is not an automatic lump-sum benefit or burial-insurance payment. It is available only to cover other related expenses actually incurred and supported by documentation or other substantial evidence.
2. The statute must be construed according to its plain and ordinary meaning, and the court may not enlarge, stretch, expand, or extend it to cover matters outside its express provisions.
3. The district court correctly affirmed the Office of Administrative Hearings ruling denying Loberg's claim for the additional \$2,500 benefit.

## KEY QUOTATIONS

*“When a statute is sufficiently clear and unambiguous, we give effect to the plain and ordinary meaning of the words and do not resort to the rules of statutory construction.”* (¶ 5)

*“We are unable to read into the statute the language for which Loberg argues (i.e., that it is a small life/burial insurance policy), although we are sympathetic to her plight.”* (¶ 6)

*“The second half of that subsection is not rendered meaningless by our construction of it.”* (¶ 7)

*“It should flesh out the scope of those benefits in its rules and regulations, so as to aid the unfortunate claimants who must rely upon those benefits to bury a loved one, and so as to provide a frame of reference for review of decisions made by the Division with respect to such-claims.”* (¶ 9)

## FACTUAL BACKGROUND

Debbie Loberg's husband died in a work-related industrial accident on September 14, 2001. The Division reimbursed Loberg \$1,170.80 for documented burial expenses, but she sought an additional \$2,500 for unitemized expenses incidental to the funeral, including travel, food, lodging, phone calls, counseling, and estate-related costs. She submitted no additional receipts or other documentation establishing a sum certain.

## PROCEDURAL HISTORY

After Loberg's husband died in a work-related industrial accident, the Division reimbursed her \$1,170.80 in documented burial expenses but denied her request for an additional \$2,500 payment for unitemized related

expenses. The Office of Administrative Hearings ruled for the Division. Loberg appealed to the district court, which affirmed, and the Wyoming Supreme Court affirmed the district court.

## DISPOSITION

affirmed

## CASES CITED

- Wyoming Board of Outfitters and Professional Guides v. Clark, 2001 WY 78, ¶ 12, 30 P.3d 36, ¶ 12 (Wyo. 2001)
- Murphy v. State Canvassing Board, 12 P.3d 677, 679 (Wyo. 2000)
- Billis v. State, 800 P.2d 401, 413 (Wyo. 1990)
- McGuire v. McGuire, 608 P.2d 1278, 1283 (Wyo. 1980)
- Gray v. Stratton Real Estate, 2001 WY 126, ¶ 5, 36 P.3d 1127, ¶ 5 (Wyo. 2001)
- Bowen v. State, Wyoming Real Estate Commission, 900 P.2d 1140, 1143 (Wyo. 1995)
- Board of County Commissioners of Teton County v. Crow, 2003 WY 40, ¶¶ 40-41, 65 P.3d 720, ¶¶ 40-41 (Wyo. 2003)
- Robbins v. Workers' Safety and Compensation Division, 2003 WY 29, ¶ 16, 64 P.3d 729, ¶ 16 (Wyo. 2003)
- Board of County Commissioners, Sublette County v. Board of Equalization, 2001 WY 91, ¶ 16, 33 P.3d 107, ¶ 16 (Wyo. 2001)
- Collicott v. Wyoming Workers' Safety and Compensation Division, 2001 WY 35, ¶ 13, 20 P.3d 1077, ¶ 13 (Wyo. 2001)

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