

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Michael Robinson v. Ricoh Americas Holdings, Inc.

Robinson · No. No. 15-0395; BOR Appeal No. 2049832; Claim No. 2014008927 · Decided March 24, 2016

SUMMARY

The West Virginia Supreme Court of Appeals affirmed the Workers' Compensation Board of Review's denial of Michael Robinson's claim for benefits for a left shoulder supraspinatus tear. The court agreed that the evidence did not establish that the injury occurred in the course of and resulted from his employment.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Justice Robin J. Davis; Justice Brent D. Benjamin; Justice Margaret L. Workman; Justice Allen H. Loughry II; Chief Justice Menis E. Ketchum
JURISDICTION	West Virginia
DECIDED	March 24, 2016
DOCKET	No. 15-0395; BOR Appeal No. 2049832; Claim No. 2014008927
DISPOSITION	affirmed
PROCEDURAL POSTURE	Michael Robinson appealed the West Virginia Workers' Compensation Board of Review's decision affirming the denial of his application for workers' compensation benefits.
STANDARD OF REVIEW	The Board of Review's decision is affirmed unless it is in clear violation of a constitutional or statutory provision, clearly the result of erroneous conclusions of law, or based on a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Published memorandum decision; precedential effect not otherwise specified in the provided text.
PARTIES	Michael Robinson v. Ricoh Americas Holdings, Inc.

TOPICS

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PRACTICE AREAS

workers compensation

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QUESTIONS PRESENTED

1. Whether the evidence established that Robinson sustained a compensable left-shoulder injury in the course of and resulting from his employment.
2. Whether the Workers' Compensation Board of Review's affirmance of the denial of benefits was clearly erroneous, legally erroneous, or based on a material misstatement or mischaracterization of the evidentiary record.

HOLDINGS

1. Robinson failed to demonstrate that his left-shoulder supraspinatus tear was a compensable injury occurring in the course of and resulting from his employment.
2. The Board of Review's decision was not in clear violation of a constitutional or statutory provision, was not clearly the result of erroneous conclusions of law, and was not based on a material misstatement or mischaracterization of the evidentiary record; therefore, the decision was affirmed.

KEY QUOTATIONS

"Therefore, the decision of the Board of Review is affirmed." (2)

FACTUAL BACKGROUND

Robinson alleged that he injured his left shoulder while loading printer-maintenance equipment into his vehicle on August 26, 2013. He sought emergency treatment the next day for chest pain, shortness of breath, and related symptoms, but the treatment records did not document a left-arm injury or his later-reported inability to raise the arm. A September 7, 2013, MRI revealed a full-thickness supraspinatus tendon tear, but Robinson could not identify a specific action causing the tear, and medical records showed treatment for neck, shoulder, and joint pain shortly before the alleged work injury.

PROCEDURAL HISTORY

The claims administrator rejected Robinson's application on October 4, 2013, finding that the injury did not occur in the course of and as a result of his employment. The Workers' Compensation Office of Judges affirmed that decision on September 11, 2014, and the Board of Review affirmed on April 1, 2015. The Supreme Court of Appeals of West Virginia affirmed the Board's decision in a memorandum decision.

DISPOSITION

affirmed