

COURT OF APPEALS OF MISSISSIPPI

Raymond D. Langford v. Southland Trucking, LLC and Associated
General Contractors of Mississippi, Inc.

30 So. 3d 1266 (Miss. Ct. App. 2010) · No. 2009-WC-00640-COA · Decided March 16, 2010

SUMMARY

The Mississippi Court of Appeals reviewed the denial of Raymond D. Langford's workers' compensation claim for medical and disability benefits arising from alleged exposure to Crete Brite cleaning fumes. The court held that the Mississippi Workers' Compensation Commission's finding that Langford failed to prove a work-related injury was supported by substantial evidence, including credibility determinations and expert medical and toxicological testimony. The court affirmed the circuit court's judgment affirming the Commission.

CASE DETAILS

COURT	Court of Appeals of Mississippi
WRITING FOR THE COURT	Myers, P.J.; Barnes, J.; Maxwell, J.
JURISDICTION	Mississippi
DECIDED	March 16, 2010
DOCKET	2009-WC-00640-COA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Langford appealed the Mississippi Workers' Compensation Commission's denial of his claim for medical and disability benefits to the Jackson County Circuit Court, which affirmed. He then appealed to the Mississippi Court of Appeals.
STANDARD OF REVIEW	The Commission's factual findings are reviewed for substantial evidence and are not disturbed unless arbitrary or capricious. The Commission's application of law is reviewed for clear error, while questions of law are reviewed de novo. When an administrative law judge adopts a party's proposed findings substantially verbatim and the Commission affirms without opinion, appellate courts examine the record with a more critical eye, but the review is not de novo.
PRECEDENTIAL VALUE	Published Mississippi Court of Appeals opinion; precedential.

PARTIES

Raymond D. Langford v. Southland Trucking, LLC, Associated
General Contractors of Mississippi, Inc.

TOPICS

workers compensation

administrative law

standard of review

appellate procedure

employment law

PRACTICE AREAS

workers compensation

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appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court improperly applied a deferential standard of review despite the administrative law judge's substantially verbatim adoption of language from Southland's trial brief.
2. Whether substantial credible evidence supported the Commission's finding that Langford failed to prove that his lung and heart conditions were causally related to his employment.
3. Whether the Commission was required to give greater weight to the opinions of Langford's treating physicians than to the opinions of non-treating medical and scientific experts.

HOLDINGS

1. When an administrative law judge substantially adopts a party's proposed findings and the Commission affirms without opinion, the appellate court must scrutinize the findings and record with a more critical eye, but the applicable review is not de novo.
2. The Commission's denial of benefits was supported by substantial credible evidence because Langford failed to prove by a fair preponderance of the evidence that his lung and heart conditions were causally related to an injury arising out of and in the course of employment.
3. The Commission may favor the testimony of a treating physician, but it is not required to do so and may weigh and evaluate all testimony, including contrary opinions from non-treating experts.

KEY QUOTATIONS

"Substantial evidence, though not easily defined, can be said to mean "such relevant evidence as reasonable minds might accept as adequate to support a conclusion."" (1275)

"In such instances, this Court "must view the challenged findings of fact and the appellate record as a whole with a more critical eye to insure that the Commission has adequately performed its function."" (1276)

"However, the law does not "require" that the Commission "must" do so; rather, the law permits that it "may" do so within its "responsibility under our law for weighing and evaluating ... all ... testimony before it and making a finding."" (1278)

FACTUAL BACKGROUND

Langford, a truck driver for Southland, alleged that he inhaled Crete Brite while transferring the cleaner from a 55-gallon drum to a smaller container for washing a company truck. He experienced breathing difficulties the next morning and was later hospitalized with diagnoses including chemical pneumonitis, congestive heart failure, respiratory failure, and acute respiratory distress syndrome. His treating physicians associated his condition with chemical exposure, while Southland's medical and scientific experts opined that the reported exposure could not have caused his claimed injuries. The Commission credited the contrary evidence and denied benefits.

PROCEDURAL HISTORY

Langford filed a petition to controvert alleging that toxic-fume exposure at work caused heart and lung injuries. The administrative law judge denied the claim, finding that Langford failed to prove an employment-related injury; the Commission affirmed. The circuit court affirmed the Commission, and the Court of Appeals affirmed the circuit court.

DISPOSITION

affirmed

CASES CITED

- Raytheon Aerospace Support Services v. Miller, 861 So. 2d 330, 335 (¶ 11) (Miss. 2003)
- Bynum v. Anderson Tully Lumber Co., 996 So. 2d 814, 817 (¶ 11) (Miss. Ct. App. 2008)
- Clark v. Spherion Corp., 11 So. 3d 774, 777 (¶ 13) (Miss. Ct. App. 2009)
- Richardson v. Johnson Electric Auto., Inc., 962 So. 2d 146, 150-52 (Miss. Ct. App. 2007)
- Delta CMI v. Speck, 586 So. 2d 768, 773 (Miss. 1991)
- Duke ex rel. Duke v. Parker Hannifin Corp., 925 So. 2d 893, 896 (¶ 11) (Miss. Ct. App. 2005)
- Harrison County v. City of Gulfport, 557 So. 2d 780, 784 (Miss. 1990)
- Omnibank of Mantee v. United Southern Bank, 607 So. 2d 76, 82-83 (Miss. 1992)
- Greenwood Utilities v. Williams, 801 So. 2d 783, 787-88 (¶¶ 10, 13-15) (Miss. Ct. App. 2001)
- Rice Researchers, Inc. v. Hiter, 512 So. 2d 1259, 1265-66 (Miss. 1987)
- Kitchens v. Jerry Vowell Logging, 874 So. 2d 456, 461 (¶ 13) (Miss. Ct. App. 2004)
- City of Laurel v. Blackledge, 755 So. 2d 573, 577-78 (¶ 17) (Miss. Ct. App. 2000)
- Hedge v. Leggett & Platt, Inc., 641 So. 2d 9, 13 (Miss. 1994)
- Department of Health/Ellisville State School v. Stinson, 988 So. 2d 933, 934 (¶ 12) (Miss. Ct. App. 2008)
- Hinds County Board of Supervisors v. Johnson, 977 So. 2d 1193, 1198 (¶ 14) (Miss. Ct. App. 2007)
- Cooper Tire & Rubber Co. v. Harris, 837 So. 2d 789, 792-93 (¶ 11) (Miss. Ct. App. 2003)
- South Central Bell Telephone Co. v. Aden, 474 So. 2d 584, 593 (Miss. 1985)
- Mueller Copper Tube Co., Inc. v. Upton, 930 So. 2d 428, 437 (¶ 35) (Miss. Ct. App. 2005)
- Hensarling v. Casablanca Construction Co., Inc., 906 So. 2d 874, 878 (¶ 16) (Miss. Ct. App. 2005)
- Westmoreland v. Landmark Furniture, Inc., 752 So. 2d 444, 449 (¶ 15) (Miss. Ct. App. 1999)

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