

SUPREME COURT OF OKLAHOMA

Lyle S. Corbeil v. Emricks Van & Storage, Guarantee Insurance, and the Workers' Compensation Commission of the State of Oklahoma

2017 OK 71 (Okla. 2017) · No. 115672 · Decided September 18, 2017

SUMMARY

The Oklahoma Supreme Court held that the Administrative Workers' Compensation Act permits up to six weeks of temporary total disability benefits for each compensable hernia, even when bilateral hernias arise from the same incident or are repaired simultaneously. The court vacated the Workers' Compensation Commission's order and remanded for proceedings consistent with its opinion.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Combs, C.J.; All justices concur
JURISDICTION	Oklahoma
DECIDED	September 18, 2017
DOCKET	115672
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petition for review of a Workers' Compensation Commission order affirming an administrative law judge's determination that the claimant was entitled to only six weeks of temporary total disability benefits for bilateral inguinal hernias.
STANDARD OF REVIEW	The court reviews statutory interpretation de novo. Under 85A O.S. Supp. 2013 § 78(C), the Commission's decision may be modified, reversed, remanded, or set aside for, among other grounds, error of law or lack of reliable, material, probative, and substantial competent evidence.
PRECEDENTIAL VALUE	Oklahoma Supreme Court opinion designated 2017 OK 71; the source also contains a notice stating that the opinion had not yet been released for publication and remained subject to revision or withdrawal.
PARTIES	Lyle S. Corbeil v. Emricks Van & Storage, Guarantee Insurance, Workers' Compensation Commission of the State of Oklahoma

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QUESTIONS PRESENTED

1. Whether 85A O.S. Supp. 2013 § 61(B)(1) permits an award of up to six weeks of temporary total disability benefits for each compensable hernia, including bilateral hernias arising from a single work-related incident and repaired simultaneously.
2. Whether Corbeil was entitled to additional temporary total disability benefits based on the employer's alleged unreasonable delay in authorizing medical treatment when that issue was not raised before the administrative law judge or the Workers' Compensation Commission.

HOLDINGS

1. Under 85A O.S. Supp. 2013 § 61(B)(1), six weeks of temporary total disability is the upper limit for each compensable hernia injury, rather than the upper limit for simultaneous hernias resulting from a single work-related injury.
2. The court would not consider the claim because Corbeil did not raise or argue it before the administrative law judge or the Commission en banc.

KEY QUOTATIONS

“We hold that it does.” (¶ 1)

“The changes made concerning hernias in 85A O.S. Supp. 2013 § 61 of the AWCA unambiguously indicate Legislative intent to make six (6) weeks of TTD the upper limit for each hernia injury suffered by a claimant, rather than the upper limit for simultaneous hernias resulting from a single injury.” (¶ 24)

FACTUAL BACKGROUND

Lyle S. Corbeil suffered a compensable workplace injury while performing strenuous lifting on July 25, 2015. He was initially diagnosed with a right inguinal hernia, and a left inguinal hernia was later identified, resulting in a diagnosis of bilateral inguinal hernias. The hernias were surgically repaired on February 2, 2016, and Corbeil was not released to return to work until March 8, 2016. His employer paid six weeks of temporary total disability benefits but denied an additional six weeks for the second hernia.

PROCEDURAL HISTORY

Corbeil suffered compensable bilateral inguinal hernias arising from a single workplace incident. The administrative law judge awarded or recognized six weeks of temporary total disability benefits and denied an additional six weeks based on the view that the hernias constituted one compensable injury. The Workers'

Compensation Commission affirmed en banc. The Oklahoma Supreme Court retained the appeal and reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the Workers' Compensation Commission's order and remand for proceedings consistent with the opinion, including application of the rule that six weeks of temporary total disability is the upper limit for each compensable hernia.

CASES CITED

- Brown v. Claims Mgmt. Resources, Inc., 2017 OK 13, 391 P.3d 111
- Holliman v. Twister Drilling Co., 2016 OK 82, 377 P.3d 133
- Williams Co., Inc. v. Dunkelgod, 2012 OK 96, 295 P.3d 1107
- Lee v. Bueno, 2016 OK 97, 381 P.3d 736
- Legarde Bober v. Oklahoma State University, 2016 OK 78, 378 P.3d 562
- Speer v. Petrolite Spec. Polymers Group, 1996 OK CIV APP 55, 918 P.2d 92
- Century Granite Co. v. McDowell, 1974 OK 132, 528 P.2d 302
- Townley's Dairy v. Gibbons, 1964 OK 220, 395 P.2d 947
- McClure v. ConocoPhillips Co., 2006 OK 42, 142 P.3d 390
- Keating v. Edmondson, 2001 OK 110, 37 P.3d 882
- Fuller v. Odom, 1987 OK 64, 741 P.2d 449
- Wylie v. Chesser, 2007 OK 81, 173 P.3d 64
- Bd. of County Comm'rs of Oklahoma County v. Warram, 1955 OK 198, 285 P.2d 1034
- Rupp v. City of Tulsa, 1950 OK 28, 214 P.2d 913
- American Airlines, Inc. v. State ex rel. Oklahoma Tax Commission, 2014 OK 95, 341 P.3d 56
- Colcord v. Granzow, 1928 OK 211, 278 P. 654
- Special Indem. Fund v. Figgins, 1992 OK 59, 831 P.2d 1379
- Red Rock Mental Health v. Roberts, 1997 OK 133, 940 P.2d 486
- Bostick Tank Truck Service v. Nix, 1988 OK 128, 764 P.2d 1344
- Maxwell v. Sprint PCS, 2016 OK 41, 369 P.3d 1079

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