

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Scott E. Lytton v. AAA Associates Staffing, LLC

No. 19-0264 (W. Va. July 31, 2020) (memorandum decision) · No. No. 19-0264 (BOR Appeal No. 2053403; Claim No. 2018011289) · Decided July 31, 2020

SUMMARY

The West Virginia Supreme Court of Appeals affirmed the Board of Review's decision rejecting Scott E. Lytton's workers' compensation claim. The court held that the record did not establish by a preponderance of the evidence that Lytton's lumbar injury occurred in the course of and as a result of his employment, particularly because the medical records lacked an opinion regarding causation.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Tim Armstead; Justice Margaret L. Workman; Justice Elizabeth D. Walker; Justice Evan H. Jenkins; Justice John A. Hutchison
JURISDICTION	West Virginia
DECIDED	July 31, 2020
DOCKET	No. 19-0264 (BOR Appeal No. 2053403; Claim No. 2018011289)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner's appeal from the West Virginia Workers' Compensation Board of Review's order affirming rejection of his workers' compensation claim.
STANDARD OF REVIEW	The Court reviews whether the Board of Review's decision clearly violates a constitutional or statutory provision, clearly results from erroneous conclusions of law, or is based upon a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Nonprecedential memorandum decision
PARTIES	Scott E. Lytton v. AAA Associates Staffing, LLC

TOPICS

[workers compensation](#)[appellate procedure](#)[standard of review](#)[employment law](#)

PRACTICE AREAS

workers compensation

employment law

QUESTIONS PRESENTED

1. Whether Lytton established that his lower-back and left-lower-extremity condition was a compensable injury sustained in the course of and as a result of his employment.
2. Whether the Board of Review's decision affirming rejection of the claim clearly violated a constitutional or statutory provision, resulted from an erroneous conclusion of law, or rested on a material misstatement or mischaracterization of the evidentiary record.

HOLDINGS

1. Lytton failed to prove by a preponderance of the evidence that his L5-S1 condition was an injury sustained in the course of and as a result of his employment because the record contained no medical opinion establishing causation.
2. The Board of Review's decision was not in clear violation of a constitutional or statutory provision, was not clearly the result of an erroneous conclusion of law, and was not based on a material misstatement or mischaracterization of the evidentiary record.

KEY QUOTATIONS

“Furthermore, none of the medical records provide an opinion that the injury complained of occurred as a result of and in the course of Mr. Lytton’s employment on October 2, 2017.” (at 3)

FACTUAL BACKGROUND

Scott E. Lytton, an employee of AAA Associates Staffing assigned to Synergy Sand, alleged that he injured his lower back and left lower extremity on October 2, 2017, while pushing down trash in a can at work. Medical treatment and imaging revealed an L5-S1 disc herniation, extrusion, and stenosis, and he underwent an L5-S1 discectomy. A medical records reviewer concluded that the disc herniation was superimposed on chronic degenerative changes and found no evidence that it was acute. The record contained no medical opinion linking the condition to Lytton's employment.

PROCEDURAL HISTORY

The claims administrator rejected Lytton's claim on November 15, 2017, finding inconsistencies and contradictions and concluding that he was not injured in the course of and as a result of his employment. The Office of Judges affirmed on September 10, 2018, and the Board of Review affirmed on February 25, 2019. Lytton appealed to the Supreme Court of Appeals of West Virginia, which affirmed the Board of Review.

DISPOSITION

affirmed

CASES CITED

- Stiltner v. West Virginia Office of Insurance Commissioner and Sara Lee, No. 10-1564 (W. Va. June 18, 2012) (memorandum decision)

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