

SUPREME COURT OF APPEALS OF WEST VIRGINIA

William Garamella v. Murray American Energy, Inc.

Garamella · No. No. 21-0571 (BOR Appeal No. 2056323) (Claim No. 2019022787) · Decided April 5, 2023

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed decisions denying authorization for additional physical therapy and a consultation with a pain specialist and closing the claimant’s temporary total disability benefits. The court held that the evidence supported the conclusion that the claimant’s current symptoms resulted from preexisting, noncompensable degenerative conditions rather than the compensable abdominal strain.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Elizabeth D. Walker; Justice Tim Armstead; Justice John A. Hutchison; Justice William R. Wooton; Justice C. Haley Bunn
JURISDICTION	West Virginia
DECIDED	April 5, 2023
DOCKET	No. 21-0571 (BOR Appeal No. 2056323) (Claim No. 2019022787)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Claimant appealed the West Virginia Workers’ Compensation Board of Review’s affirmance of an Office of Judges order upholding the denial of authorization for additional physical therapy and a consultation with a pain specialist and the closure of temporary total disability benefits.
STANDARD OF REVIEW	Under W. Va. Code § 23-5-15(c), the Court gives deference to the Board of Review’s findings, reasoning, and conclusions. When the Board affirms prior rulings by the commission and Office of Judges on the same issue, reversal or modification is permitted only for a clear violation of a constitutional or statutory provision, clearly erroneous conclusions of law, or a material misstatement or mischaracterization of the evidentiary record; the Court may not conduct a de novo reweighing of the evidence. Questions of law are reviewed de novo.
PRECEDENTIAL VALUE	Published memorandum decision
PARTIES	William Garamella v. Murray American Energy, Inc.

TOPICS

workers compensation

standard of review

appellate procedure

administrative law

PRACTICE AREAS

workers compensation

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether authorization for additional physical therapy and a consultation with pain specialist Adam Tune, M.D., was required for treatment of a compensable workers' compensation condition.
2. Whether the claims administrator properly closed the claim for temporary total disability benefits after the claimant reached maximum medical improvement for the compensable injury.
3. What standard of review governs the Supreme Court's review of the Board of Review's decision.

HOLDINGS

1. The Court must defer to the Board of Review's findings, reasoning, and conclusions and may not reweigh the evidentiary record de novo; questions of law are reviewed de novo.
2. Additional physical therapy and a consultation with Dr. Tune were properly denied because the evidence showed that the requested treatment was directed to noncompensable, pre-existing degenerative conditions rather than the compensable abdominal strain.
3. Closure of temporary total disability benefits was proper because the claimant had reached maximum medical improvement for the compensable injury and his continuing symptoms and inability to work were attributed to noncompensable pre-existing conditions.

KEY QUOTATIONS

"The court may not conduct a de novo reweighing of the evidentiary record" (at 1)

"A preponderance of the evidence indicates that the requested treatment and additional temporary total disability benefits are not necessary for a compensable condition in the claim." (at 6)

FACTUAL BACKGROUND

William Garamella, a coal miner, sustained an abdominal and groin strain at work on April 27, 2019, and the claim was held compensable for an abdominal muscle, fascia, and tendon strain. After returning to work, he reported renewed groin and lower-back symptoms in January 2020 and sought additional physical therapy, pain-management consultation, and temporary total disability benefits. Medical evidence, including an independent medical evaluation, attributed his later symptoms to pre-existing degenerative spinal conditions rather than the compensable abdominal strain, and found him at maximum medical improvement for the compensable injury.

PROCEDURAL HISTORY

The claims administrator denied authorization for physical therapy and a consultation with Dr. Adam Tune on July 7, 2020, and closed the claim for temporary total disability benefits on August 7, 2020. The Office of Judges

affirmed those decisions on January 29, 2021, and the Board of Review affirmed on June 16, 2021. The Supreme Court of Appeals of West Virginia affirmed in a memorandum decision.

DISPOSITION

affirmed

CASES CITED

- Hammons v. W. Va. Off. of Ins. Comm'r, 235 W. Va. 577, 582-83, 775 S.E.2d 458, 463-64 (2015)
- Justice v. West Virginia Office Insurance Commission, 230 W. Va. 80, 83, 736 S.E.2d 80, 83 (2012)
- Davies v. W. Va. Off. of Ins. Comm'r, 227 W. Va. 330, 334, 708 S.E.2d 524, 528 (2011)

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