

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Alliance Coal, LLC v. Richard Heath

Alliance Coal · No. No. 19-0859 · Decided February 19, 2021

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed a Board of Review decision authorizing a vascular study for claimant Richard Heath, a coal miner injured in a workplace accident. The court held that the study was medically necessary and reasonably required to determine whether Heath sustained a compensable vascular injury. The court did not resolve whether treatment for the left great-toe condition or referral to a podiatrist was compensable.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Evan H. Jenkins; Justice Elizabeth D. Walker; Justice Tim Armstead; Justice John A. Hutchison; Justice William R. Wooton
JURISDICTION	West Virginia
DECIDED	February 19, 2021
DOCKET	No. 19-0859
DISPOSITION	affirmed
PROCEDURAL POSTURE	Alliance Coal, LLC appealed the West Virginia Workers' Compensation Board of Review's decision reversing the Office of Judges insofar as it denied authorization for a vascular study and finding that decisions concerning a hospital visit and podiatry referral were premature pending determination whether the left great toe was a compensable component of the claim.
STANDARD OF REVIEW	The Board of Review's decision is affirmed unless it violates a constitutional or statutory provision, results from erroneous conclusions of law, or is clearly wrong based on the evidentiary record even when all inferences are resolved in favor of the Board's findings, reasoning, and conclusions.
PRECEDENTIAL VALUE	nonprecedential memorandum decision
PARTIES	Alliance Coal, LLC v. Richard Heath

TOPICS

workers compensation

appellate procedure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Board of Review properly authorized a vascular study as medically necessary and reasonably required treatment for Heath's compensable injury.
2. Whether the Board of Review's decision was constitutionally or statutorily infirm, based on an erroneous conclusion of law, or clearly wrong on the evidentiary record.

HOLDINGS

1. The vascular study was necessary and reasonably required treatment for the compensable injury because the record documented vascular issues from the time of the injury and the study could determine whether Heath sustained a compensable vascular injury.
2. The Board of Review's decision was not in clear violation of any constitutional or statutory provision, was not the result of an erroneous conclusion of law, and was not clearly wrong based on the evidentiary record.

KEY QUOTATIONS

"Mr. Heath has shown by a preponderance of the evidence that a vascular study is necessary in this case to determine if he sustained a compensable vascular injury." (4)

"For the foregoing reasons, we find that the decision of the Board of Review is not in clear violation of any constitutional or statutory provision, nor is it clearly the result of erroneous conclusions of law, nor is it so clearly wrong based upon the evidentiary record that even when all inferences are resolved in favor of the Board of Review's findings, reasoning and conclusions, there is insufficient support to sustain the decision." (4)

FACTUAL BACKGROUND

Richard Heath, a coal miner, sustained a serious left lower-leg injury in October 2015 when his leg was pinned between a rail car and a coal rib. His workers' compensation claim included a left tibia fracture, posttraumatic ankle osteoarthritis, tarsal tunnel syndrome, complex regional pain syndrome, and documented vascular issues associated with the injury and ankle surgeries. In 2018, he developed left great-toe symptoms and sought treatment, a podiatry referral, and a vascular study; the claims administrator denied the requests. The Board of Review determined that the vascular study was medically necessary to determine whether Heath sustained a compensable vascular injury.

PROCEDURAL HISTORY

The claims administrator denied payment for a September 3, 2018, emergency-room visit and denied requests for a podiatry referral and vascular study. The Office of Judges affirmed those denials on May 8, 2019. The Board of Review reversed the denial of the vascular study on August 27, 2019, but deemed the hospital-visit and podiatry-referral decisions premature. The Supreme Court of Appeals of West Virginia affirmed the Board of Review.

DISPOSITION

affirmed

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