

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Leigh A. Ball v. Charleston Area Medical Center

Ball · No. No. 16-0805 · Decided August 24, 2017

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the Board of Review’s decision denying Leigh A. Ball additional temporary total disability benefits for a compensable lumbar sprain. The court held that medical evidence established that Ball had reached maximum medical improvement and that claim closure was appropriate under West Virginia Code §§ 23-4-7a and 23-4-1c.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Allen H. Loughry II; Justice Robin J. Davis; Justice Margaret L. Workman; Justice Menis E. Ketchum; Justice Elizabeth D. Walker
JURISDICTION	West Virginia
DECIDED	August 24, 2017
DOCKET	No. 16-0805
DISPOSITION	affirmed
PROCEDURAL POSTURE	Leigh A. Ball appealed the West Virginia Workers' Compensation Board of Review's order affirming closure of her claim for temporary total disability benefits.
STANDARD OF REVIEW	The Court reviewed whether the Board of Review's decision violated a constitutional or statutory provision, resulted from erroneous conclusions of law, or was based on a material misstatement or mischaracterization of the evidentiary record. The Court also considered whether prejudicial error or a substantial question of law existed.
PRECEDENTIAL VALUE	nonprecedential memorandum decision
PARTIES	Leigh A. Ball v. Charleston Area Medical Center

TOPICS

workers compensation

administrative law

appellate procedure

remedies

standard of review

PRACTICE AREAS

workers compensation

administrative law

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether Ball was entitled to additional temporary total disability benefits for her compensable lumbar sprain.
2. Whether closure of the claim was proper after medical evaluations determined that Ball had reached maximum medical improvement.

HOLDINGS

1. Temporary total disability benefits may be suspended or terminated when the claimant reaches maximum medical improvement, and closure of Ball's claim was appropriate because the medical evidence established that she had reached maximum medical improvement for the compensable lumbar sprain.
2. The Board of Review's decision did not clearly violate a constitutional or statutory provision, result from erroneous conclusions of law, or rest on a material misstatement or mischaracterization of the evidentiary record.

KEY QUOTATIONS

“Thus, closure of the claim for temporary total disability benefits is appropriate under West Virginia Code §23-4-7a.” (3)

“Therefore, the decision of the Board of Review is affirmed.” (3)

FACTUAL BACKGROUND

Leigh A. Ball, a phlebotomist, injured her back and hip on December 6, 2014, while bending over a patient to draw blood, and the claim was held compensable for a lumbar sprain. She had a significant pre-existing history of back problems, including chronic low back pain, disc bulging, osteophyte formation, and lumbar-related diagnoses. Two physicians evaluated her and concluded that she had reached maximum medical improvement and required no further treatment for the compensable injury. Ball offered no evidence establishing that she had not reached maximum medical improvement for the compensable lumbar sprain.

PROCEDURAL HISTORY

The claims administrator closed the claim for temporary total disability benefits on May 22, 2015. The Workers' Compensation Office of Judges affirmed that decision on March 8, 2016, and the Workers' Compensation Board of Review affirmed on August 1, 2016. The Supreme Court of Appeals of West Virginia affirmed the Board's final order.

DISPOSITION

affirmed

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