

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Dorothy Dawson v. Hancock County Board of Education

No. 14-0384 (BOR Appeal No. 2048882) (Claim No. 2013009834) · No. No. 14-0384 · Decided February 3, 2015

SUMMARY

The Supreme Court of Appeals of West Virginia reversed and remanded a Board of Review decision denying Dorothy Dawson workers' compensation benefits. The court held that the evidentiary record supported compensability for cervical, thoracic, lumbar, and right shoulder sprains arising from an incident while Dawson was closing a school bus hood, and instructed the Board to reinstate the Office of Judges' order.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per Curiam; Chief Justice Margaret L. Workman; Justice Robin J. Davis; Justice Brent D. Benjamin; Justice Allen H. Loughry II; Justice Menis E. Ketchum
JURISDICTION	West Virginia
DECIDED	February 3, 2015
DOCKET	No. 14-0384
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petitioner's appeal from the West Virginia Workers' Compensation Board of Review's order reversing the Workers' Compensation Office of Judges and reinstating the claims administrator's denial of benefits.
STANDARD OF REVIEW	The Court reviewed the Board of Review's decision under the applicable workers' compensation appellate standard and reversed because the decision was based on a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Published memorandum decision; precedential effect not otherwise specified in the opinion.
PARTIES	Dorothy Dawson v. Hancock County Board of Education

TOPICS

workers compensation

administrative law

appellate procedure

standard of review

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Board of Review erred by finding that Dawson had not sustained a compensable work-related injury.
2. Whether the evidentiary record supported compensability for cervical sprain, thoracic sprain, lumbar sprain, and right shoulder sprain despite Dawson's prior conditions and the absence of medical evidence directly stating a causal connection.

HOLDINGS

1. Dawson presented sufficient evidence that she sustained cervical, thoracic, lumbar, and right shoulder sprains in the course of and resulting from her employment.
2. The Board of Review's decision was reversible because it was based on a material misstatement or mischaracterization of the evidentiary record.

KEY QUOTATIONS

“Ms. Dawson has presented sufficient evidence to demonstrate that she sustained a cervical sprain, thoracic sprain, lumbar sprain, and right shoulder sprain in the course of and resulting from her employment.” (at 2)

“Therefore, the decision of the Board of Review is reversed and remanded with instructions to reinstate the Office of Judges’ September 27, 2013, Order which held the claim compensable.” (at 3)

FACTUAL BACKGROUND

Dorothy Dawson, a school bus driver, felt pain in her neck, shoulders, back, hand, elbow, and hip while closing the hood of her school bus on October 12, 2012. She reported the injury after completing her morning route and received chiropractic treatment three days later, with diagnoses including cervical, thoracic, lumbar, pelvic, and shoulder sprains. Dawson had prior workers' compensation claims and preexisting neck, back, and shoulder conditions, but testified that the October incident caused a new injury. The Court found that her treatment notes and deposition testimony sufficiently connected the cervical, thoracic, lumbar, and right shoulder sprains to her employment.

PROCEDURAL HISTORY

The claims administrator denied Dawson's application for workers' compensation benefits on November 5, 2012. The Office of Judges reversed that decision on September 27, 2013, holding compensable cervical, thoracic, lumbar, and right shoulder sprains while excluding other alleged conditions. The Board of Review reversed the Office of Judges on March 26, 2014, and reinstated the claims administrator's denial. The Supreme Court of Appeals reversed the Board of Review and remanded with instructions to reinstate the Office of Judges' order.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the Board of Review's decision and reinstate the Workers' Compensation Office of Judges' September 27, 2013, order holding the claim compensable for cervical sprain, thoracic sprain, lumbar sprain, and right shoulder sprain.

CASES CITED

- Hoult v. Workers' Compensation Commissioner, 181 W. Va. 551, 383 S.E.2d 516 (1989)

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