

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Michael Greenlee v. Selah Corporation

Greenlee · No. No. 12-1099 · Decided April 2, 2014

SUMMARY

The Supreme Court of Appeals of West Virginia reversed the Workers’ Compensation Board of Review’s denial of Michael Greenlee’s claim arising from a lower-back injury sustained while working for Selah Corporation. The Court held that Greenlee established a personal injury received in the course of and resulting from his employment under West Virginia Code § 23-4-1 and found that the Board’s decision was based on a material misstatement or mischaracterization of the evidence.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Justice Brent D. Benjamin; Justice Margaret L. Workman; Justice Menis E. Ketchum; Justice Allen H. Loughry II; Chief Justice Robin J. Davis
JURISDICTION	West Virginia
DECIDED	April 2, 2014
DOCKET	No. 12-1099
DISPOSITION	reversed
PROCEDURAL POSTURE	Claimant appealed the West Virginia Workers’ Compensation Board of Review’s final order affirming denial of workers’ compensation benefits.
STANDARD OF REVIEW	The Board of Review’s decision was subject to reversal because it resulted from erroneous conclusions of law or a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Published memorandum decision
PARTIES	Michael Greenlee v. Selah Corporation

TOPICS

- workers compensation
- administrative law
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Greenlee established that he sustained a personal injury in the course of and resulting from his employment under West Virginia Code § 23-4-1.
2. Whether the Workers' Compensation Board of Review was plainly wrong in affirming denial of the claim based on alleged inconsistencies and pre-existing conditions.

HOLDINGS

1. Greenlee satisfied the three elements of West Virginia Code § 23-4-1 by proving a personal injury received in the course of employment and resulting from employment; therefore, the claim was compensable.
2. The Board of Review was plainly wrong to affirm denial of Greenlee's application because its decision resulted from erroneous conclusions of law or a material misstatement or mischaracterization of the evidentiary record.

KEY QUOTATIONS

"We find that Mr. Greenlee has satisfied the three elements of West Virginia Code § 23-4-1 (2008) because he has a (1) personal injury (2) that he received in the course of employment and (3) resulting from employment, and therefore, we reverse the Board of Review and hold the claim compensable." (at 2)

FACTUAL BACKGROUND

Michael Greenlee worked as a coal miner and scoop operator for Selah Corporation. On September 2, 2010, he stepped into a hole while hanging fly pads and twisted his lower back. He reported the injury to his employer on September 11 and September 13, 2010, and Dr. Joseph Marinacci treated him on September 13, diagnosed lumbar disc without myelopathy, lumbosacral strain or sprain, and thoracic subluxation, and attributed the condition directly to the workplace injury.

PROCEDURAL HISTORY

The claims administrator denied Greenlee's application for workers' compensation benefits on November 24, 2010. The Workers' Compensation Office of Judges affirmed the denial on February 29, 2012, and the Board of Review affirmed that decision on August 24, 2012. The Supreme Court of Appeals reviewed Greenlee's appeal and reversed the Board of Review.

DISPOSITION

reversed