

SUPERIOR COURT OF THE VIRGIN ISLANDS, DIVISION OF ST. CROIX

Milton Burt v. Lockheed Martin Corp., et al.

2026 VI Super 12P · No. SX-2021-CV-548 · Decided March 24, 2026

SUMMARY

The Superior Court of the Virgin Islands considers whether the Virgin Islands Workers’ Compensation Act bars a former refinery worker’s tort claims for pneumoconiosis allegedly caused by toxic exposure during employment. The court concludes that an occupational disease that first manifests after employment does not arise in the course of employment under the Act and strikes Lockheed Martin Corporation’s workers’ compensation affirmative defense. The opinion addresses the Act’s compensation, exclusivity, notice, and injury provisions.

CASE DETAILS

COURT	Superior Court of the Virgin Islands, Division of St. Croix
WRITING FOR THE COURT	Alphonso G. Andrews, Jr.
JURISDICTION	Superior Court of the Virgin Islands, Division of St. Croix
DECIDED	March 24, 2026
DOCKET	SX-2021-CV-548
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for judgment on the pleadings and summary judgment directed at Lockheed Martin's affirmative defense under the Virgin Islands Workers' Compensation Act. Lockheed Martin filed a cross-motion for summary judgment. The court treated the judgment-on-the-pleadings motion as a summary-judgment motion under V.I.R. Civ. P. 12(d), granted Plaintiff's motion, and denied Lockheed Martin's cross-motion.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. The court treated the Rule 12(c) motion as one for summary judgment because matters outside the pleadings were presented.
PRECEDENTIAL VALUE	Published Superior Court of the Virgin Islands memorandum opinion

TOPICS

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QUESTIONS PRESENTED

1. Whether the Virgin Islands Workers' Compensation Act applies to an occupational disease that first manifests after the employee's employment has ended.
2. Whether Lockheed Martin established that its predecessor employers were insured under the Virgin Islands Workers' Compensation Act so as to invoke the Act's exclusivity provision.
3. Whether the absence of a genuine issue of material fact entitled either party to summary judgment on the Workers' Compensation Act affirmative defense.

HOLDINGS

1. The Virgin Islands Workers' Compensation Act does not apply to an occupational disease that first manifests after the employee's employment has ended. Because the disease did not come into being or first come to the employee's attention during employment, it did not arise in the course of employment and was not compensable under the Act.
2. The notice provision does not create or establish a substantive right to compensation for a post-employment occupational disease. It governs the procedure for reporting an injury after manifestation and cannot overcome the Act's requirement that the disease arise in the course of employment.
3. Lockheed Martin failed to establish prima facie that its predecessor employers were insured under the Workers' Compensation Act for the entire relevant exposure period. The receipts proved coverage only for portions of the period, and the affidavit was insufficient to establish coverage for the missing years; therefore Lockheed Martin could not claim workers' compensation immunity.

KEY QUOTATIONS

"When the words of a statute are unambiguous, then, the first cannon is also the last: judicial inquiry is complete." (2026 VI Super 12P at 9)

"He certainly was not engaged in employment duties twenty-six (26) years later when his disease came into being or to his attention." (2026 VI Super 12P at 13-14)

"Accordingly, LMC was not properly insured and cannot claim immunity even if the WCA applied to Plaintiff's occupational disease." (2026 VI Super 12P at 24)

FACTUAL BACKGROUND

Milton Burt worked at the Martin Marietta Alumina Refinery in St. Croix as a maintenance worker from 1967 to 1995, including for Martin Marietta Aluminum, Inc. from 1970 to 1984 and Martin Marietta Aluminum

Properties, Inc. in 1985. Lockheed Martin became successor-in-interest to the relevant predecessor entities. Burt alleged that exposure to bauxite ore and toxic dust caused pneumoconiosis, which first became evident on July 21, 2019, long after his employment ended. Lockheed Martin produced some workers' compensation payment receipts and an affidavit asserting continuous coverage, but did not produce coverage certificates or proof covering the entire relevant exposure period.

PROCEDURAL HISTORY

Milton Burt filed suit against Lockheed Martin Corporation, Glencore Ltd., and Cosmogony II, Inc., alleging toxic exposure during employment at an alumina refinery and resulting pneumoconiosis. Burt voluntarily dismissed Glencore, and proceedings against Cosmogony II were stayed because of bankruptcy. Lockheed Martin asserted the Workers' Compensation Act as an affirmative defense. After briefing and a March 6, 2026 hearing, the court ruled on the competing motions.

DISPOSITION

other

CASES CITED

- Benjamin v. AIG Ins. Co. of P.R., et al., 56 V.I. 558, 566 (V.I. 2012)
- Richards v. Public Employees Relations Bd., 2024 V.I. 37
- Brady v. Gov't of the V.I., 57 V.I. 433, 441 (V.I. 2012)
- People of the V.I. v. Baxter, 49 V.I. 384, 388 (V.I. 2008)
- Conn. Nat'l Bank v. Germain, 503 U.S. 249, 253-54 (1992)
- Dupigny v. Tyson, 66 V.I. 434, 440 (V.I. 2017)
- Robles v. Hovensa, L.L.C., 49 V.I. 491 (V.I. 2008)
- Chinnery v. Gov't of the V.I., 865 F.2d 68, 71 (3d Cir. 1989)
- Ortiz v. Gov't of the V.I., Civ. No. 758/1983, 1986 V.I. LEXIS 25
- Carmona v. DeJongh, 157 F. Supp. 540
- Slater v. McKinsey & Co., 530 F. Supp. 3d 1318, 1325-26 (N.D. Ga. 2021)
- Boulware v. Quiktrip Corp., 466 S.E.2d 662-63 (Ga. Ct. App. 1997)
- Prescott v. Premier Mfg. Corp., No. W2021-00052-SC-R3-WC, 2021 Tenn. LEXIS 530
- Owens v. Giant Eagle Inc., No. 110666, 2022 Ohio App. LEXIS 175
- Purjet v. Hess Oil V.I. Corp., 22 V.I. 147 (D.V.I. 1985)
- Schweitzer v. Constr. Rail Corp., 758 F.2d 936, 942 (3d Cir. 1985)
- Defoe v. Phillip, 56 V.I. 109, 121 (V.I. 2012)
- Gov't of the V.I. v. United Indus. Svcs. Transp., et al., 64 V.I. 312, 333 (V.I. 2016)
- Gumbs-Heyliger v. CMW & Ass'ns. Corp., 73 F. Supp. 3d 617, 622 (D.V.I. 2014)
- Island Tile & Marble, LLC v. Bertrand, 57 V.I. 596, 624-25 (V.I. 2012)

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