

SUPREME COURT OF OKLAHOMA

Berg v. Parker Drilling Co.

98 P.3d 1099 (Okla. 2004) · No. No. 99,870 · Decided September 23, 2004

SUMMARY

The Oklahoma Supreme Court reviewed a workers' compensation decision denying Roy Berg additional medical treatment, bilateral hip replacement surgery, and temporary total disability benefits. The court held that causation and the need for treatment were questions of fact subject to the any-competent-evidence standard and found competent evidence supporting the Workers' Compensation Court's determination that Berg's current condition resulted from pre-existing arthritis rather than his workplace injury. The court vacated the Court of Civil Appeals' decision and sustained the Workers' Compensation Court's order.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Edmondson, J.; Watt, C.J.; Opala, V.C.J.; Lavender, J.; Hargrave, J.; Kauger, J.; Winchester, J.
JURISDICTION	Oklahoma
DECIDED	September 23, 2004
DOCKET	No. 99,870
DISPOSITION	vacated
PROCEDURAL POSTURE	Employer and its insurer sought certiorari review of the Court of Civil Appeals' decision vacating a three-judge Workers' Compensation Court panel order that denied Berg additional medical treatment and temporary total disability benefits.
STANDARD OF REVIEW	The Workers' Compensation Court's factual findings are conclusive and binding if supported by any competent evidence. On review, the appellate court may canvass the evidence to determine whether competent evidence supports the decision, but may not weigh conflicting evidence or substitute its own fact findings.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion; precedential
PARTIES	Parker Drilling Company, Insurance Company of the State of Pennsylvania v. Roy Berg

TOPICS

workers compensation

standard of review

appellate procedure

PRACTICE AREAS

workers compensation

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QUESTIONS PRESENTED

1. Whether the Workers' Compensation Court's findings on causation and the need for medical treatment were supported by any competent evidence.
2. Whether the Court of Civil Appeals improperly reweighed conflicting medical evidence and substituted its own factual findings for those of the Workers' Compensation Court.

HOLDINGS

1. Whether disability results from an accidental injury or from a preexisting disease or prior injury is a question of fact for the Workers' Compensation Court, and its findings must be upheld if supported by any competent evidence.
2. The Court of Civil Appeals exceeded the proper scope of review by disregarding conflicting evidence, selecting evidence favorable to Berg, and substituting its own factual findings for those of the Workers' Compensation Court.

KEY QUOTATIONS

“Findings of fact made by the trial court are conclusive and binding unless they are ascertained to lack support in competent evidence. Under this standard, our responsibility is simply to canvass the facts, not with the object of weighing conflicting evidence to determine where the preponderance lies, but only to ascertain whether the decision is supported by any competent evidence.” (98 P.3d at 1102)

FACTUAL BACKGROUND

Roy Berg slipped and fell on November 25, 1998, while working for Parker Drilling Company on an offshore drilling rig in the South China Sea. He received immediate treatment and later claimed injuries to his groin, hips, back, and feet, seeking temporary total disability benefits and authorization for bilateral hip replacements. Medical evidence conflicted: one physician attributed soft-tissue injuries to the accident, while other evidence indicated that severe bilateral hip arthritis was preexisting and that the accident did not cause the need for surgery. The Workers' Compensation Court found that Berg's current condition was caused by degenerative arthritis rather than the work injury.

PROCEDURAL HISTORY

Berg sought temporary total disability benefits, authorization for bilateral hip replacement surgery, and related medical treatment arising from a 1998 offshore workplace injury. The trial court found that his current condition resulted from severe preexisting arthritic degeneration rather than the accident and denied the requested benefits and treatment; a three-judge panel affirmed. The Court of Civil Appeals vacated that order after reweighing

portions of the medical evidence, and the Oklahoma Supreme Court granted certiorari, vacated the appellate decision, and sustained the Workers' Compensation Court order.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The Court of Civil Appeals' opinion was vacated, and the order of the three-judge Workers' Compensation Court panel was sustained.

CASES CITED

- Parks v. Norman Municipal Hospital, 1984 OK 53, 684 P.2d 548, 552
- Refrigerated Transport, Inc. v. Creek, 1979 OK 11, 590 P.2d 197, 200