

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Wendell Adams v. Guyan Machinery Rebuilders

Adams · No. No. 12-0875 · Decided March 10, 2014

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed a Board of Review decision awarding Wendell Adams a total of 16% permanent partial disability for compensable contact dermatitis and hand-joint contracture. The court concluded that the Board properly relied on a 16% impairment evaluation after rejecting an outlier 37% evaluation and correcting a calculation error in another assessment.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Robin J. Davis; Justice Brent D. Benjamin; Justice Margaret L. Workman; Justice Menis E. Ketchum; Justice Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	March 10, 2014
DOCKET	No. 12-0875
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the West Virginia Workers’ Compensation Board of Review’s final order affirming an Office of Judges order that upheld the claims administrator’s award of an additional 8% permanent partial disability, for a total award of 16%.
STANDARD OF REVIEW	The Board of Review’s decision would be reversed only if it clearly violated a constitutional or statutory provision, clearly resulted from erroneous conclusions of law, or was based on a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Nonprecedential memorandum decision
PARTIES	Wendell Adams v. Guyan Machinery Rebuilders

TOPICS

workers compensation

appellate procedure

standard of review

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Board of Review correctly affirmed an additional 8% permanent partial disability award, for a total award of 16%, based on the medical impairment evidence.
2. Whether the Board of Review's decision clearly violated a constitutional or statutory provision, resulted from an erroneous conclusion of law, or rested on a material misstatement or mischaracterization of the evidentiary record.

HOLDINGS

1. The Board of Review correctly determined that Adams was entitled to an additional 8% permanent partial disability award, for a total award of 16%.
2. The Board of Review's decision did not clearly violate a constitutional or statutory provision, result from an erroneous conclusion of law, or rely on a material misstatement or mischaracterization of the evidentiary record.

KEY QUOTATIONS

"For the foregoing reasons, we find that the decision of the Board of Review is not in clear violation of any constitutional or statutory provision, nor is it clearly the result of erroneous conclusions of law, nor is it based upon a material misstatement or mischaracterization of the evidentiary record." (at 2)

FACTUAL BACKGROUND

Adams developed a rash and hand-joint contracture after exposure to chemicals while working as a laborer, and his workers' compensation claim was held compensable for contact dermatitis and contracture of a joint in the hand. Four physicians evaluated his permanent impairment, producing ratings ranging from 6% to 37% whole person impairment. The lower tribunals found the 37% rating unreliable and concluded that a properly performed evaluation supported a 16% whole person impairment rating, entitling Adams to an additional 8% permanent partial disability award.

PROCEDURAL HISTORY

The claims administrator awarded Adams an additional 8% permanent partial disability for a total award of 16%. The Workers' Compensation Office of Judges affirmed that decision on January 9, 2012, and the Board of Review affirmed on June 29, 2012. The Supreme Court of Appeals of West Virginia affirmed the Board's order in a memorandum decision.

DISPOSITION

affirmed

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