

SUPREME COURT OF WYOMING

Clark v. State ex rel. Wyoming Workers' Safety and Compensation
Division

36 P.3d 1145 (Wyo. 2001) · No. No. 01-26 · Decided December 21, 2001

SUMMARY

The Wyoming Supreme Court affirmed the denial of workers’ compensation benefits for Henry Clark’s claimed back injury. The court held that substantial evidence supported the hearing examiner’s findings that Clark was not credible, that his back condition was pre-existing, and that he failed to prove a compensable material aggravation caused by the workplace accident. The court declined to reweigh the evidence or disturb the agency’s credibility determination.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Justice Voigt; Lehman, C.J.; Golden, J.; Hill, J.; Kite, J.; Voigt, J.
JURISDICTION	Wyoming
DECIDED	December 21, 2001
DOCKET	No. 01-26
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the district court's judicial review of a workers' compensation hearing examiner's denial of benefits for a claimed back injury.
STANDARD OF REVIEW	The Supreme Court reviews the case as if it came directly from the agency and applies Wyo. Stat. Ann. § 16-3-114(c). It reviews legal conclusions de novo, without deference to the agency, and reviews factual findings for substantial evidence. The court defers to the hearing examiner's credibility determinations and will not overturn them unless clearly contrary to the overwhelming weight of the evidence.
PRECEDENTIAL VALUE	published opinion
PARTIES	Henry Clark v. State of Wyoming, ex rel. Wyoming Workers' Safety and Compensation Division

TOPICS

workers compensation

judicial review of agency action

standard of review

evidence

statutory interpretation

PRACTICE AREAS

workers compensation

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether substantial evidence and applicable law supported the hearing examiner's finding that Clark's back condition was preexisting and that the work incident did not materially aggravate it into a compensable new injury.

HOLDINGS

1. The hearing examiner reasonably disbelieved Clark's testimony that he fell backward onto his back because the account was omitted from his contemporaneous accident report and was not corroborated by his early medical records.
2. Clark failed to prove that his claimed back injury arose out of and in the course of his employment because the evidence supporting causation depended on an account of the accident that the hearing examiner reasonably found not credible.
3. The hearing examiner's decision was supported by substantial evidence and was not arbitrary, capricious, an abuse of discretion, or otherwise contrary to law.

KEY QUOTATIONS

"Substantial evidence is relevant evidence which a reasonable mind might accept in support of the agency's conclusion. It is more than a scintilla of evidence." (36 P.3d at 1149)

"Absent credible testimony from appellant, or some corroboration from the surrounding circumstances, regarding such a fall, Dr. Narotzky's opinion as to the cause of appellant's protruding disk is meaningless in proving that the disk protrusion arose out of and in the course of appellant's employment." (36 P.3d at 1151)

"It would be 'improper for us to re-weigh the evidence under the circumstances' or substitute our judgment for that of the hearing examiner, especially considering the applicable standard of review." (36 P.3d at 1151)

FACTUAL BACKGROUND

Clark was injured at work in February 1999 while handling heavy steel bar stock. He claimed that a bar struck his left foot, causing him to fall backward and injure his back, but his accident report and early medical records did not describe the alleged fall and instead reflected preexisting or degenerative back and leg symptoms. Medical evidence showed spinal stenosis associated with degenerative conditions and a disk protrusion, but the physician could not determine when the protrusion occurred. The hearing examiner disbelieved Clark's account and found that he failed to prove a compensable work-related aggravation of a preexisting condition.

PROCEDURAL HISTORY

The Wyoming Workers' Safety and Compensation Division paid benefits for Clark's foot injury but denied benefits for his claimed back injury. After a contested case hearing, the hearing examiner found that Clark was not credible, that his back condition was preexisting, and that he had not proved material aggravation. The district court affirmed the agency decision, and the Wyoming Supreme Court affirmed the district court and hearing examiner.

DISPOSITION

affirmed

CASES CITED

- In re Jensen, 2001 WY 51, 24 P.3d 1133 (Wyo. 2001)
- Roberts v. R & S Well Service, 2001 WY 117, 35 P.3d 1219 (Wyo. 2001)
- Carrillo v. State ex rel. Wyoming Workers' Safety and Compensation Division, 987 P.2d 690 (Wyo. 1999)
- Pederson v. State ex rel. Wyoming Workers' Compensation Division, 939 P.2d 740 (Wyo. 1997)
- Matter of Corman, 909 P.2d 966 (Wyo. 1996)
- Ikenberry v. State ex rel. Wyoming Workers' Compensation Division, 5 P.3d 799 (Wyo. 2000)
- Bright v. Sheehan Pipeline, 960 P.2d 1009 (Wyo. 1998)
- Brees v. Gulley Enterprises, Inc., 6 P.3d 128 (Wyo. 2000)