

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Franklin L. Vannoy v. Chafin Branch Coal Company, LLC

Vannoy · No. No. 14-0453 · Decided December 3, 2014

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the Board of Review’s denial of Franklin L. Vannoy’s request to reopen his workers’ compensation claim for additional temporary total disability benefits. The court concluded that Vannoy had recovered from his 2009 compensable injury, returned to work, and developed his current complaints only after an intervening 2012 injury while working for a different employer. The court found no clear legal or evidentiary error in the Board’s decision.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Robin J. Davis; Brent D. Benjamin; Margaret L. Workman; Menis E. Ketchum; Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	December 3, 2014
DOCKET	No. 14-0453
DISPOSITION	affirmed
PROCEDURAL POSTURE	Claimant appealed the West Virginia Workers’ Compensation Board of Review's affirmance of an order denying his request to reopen a workers’ compensation claim for additional temporary total disability benefits.
STANDARD OF REVIEW	The court reviewed whether the Board of Review’s decision violated a constitutional or statutory provision, resulted from erroneous conclusions of law, or rested on a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Nonprecedential memorandum decision
PARTIES	Franklin L. Vannoy v. Chafin Branch Coal Company, LLC

TOPICS

workers compensation

judicial review of agency action

administrative law

appellate procedure

standard of review

PRACTICE AREAS

workers compensation

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence established that Vannoy's 2009 compensable injury had progressed or been aggravated so as to warrant reopening the claim for additional temporary total disability benefits.
2. Whether the Board of Review's affirmance of the denial of reopening violated a constitutional or statutory provision, resulted from an erroneous conclusion of law, or was based on a material misstatement or mischaracterization of the evidentiary record.

HOLDINGS

1. The evidence did not support a finding that Vannoy's 2009 compensable injury progressed or was aggravated; his current complaints were attributable to an intervening 2012 injury sustained while working for a different employer.
2. The Board of Review's decision was not in clear violation of a constitutional or statutory provision, was not clearly the result of an erroneous conclusion of law, and was not based on a material misstatement or mischaracterization of the evidentiary record.

KEY QUOTATIONS

"Therefore, the evidence does not support a finding that Mr. Vannoy's 2009 injury progressed or was aggravated."

"Therefore, the decision of the Board of Review is affirmed."

FACTUAL BACKGROUND

Vannoy sustained a compensable back injury on January 28, 2009, while working as a mechanic for Chafin Branch Coal Company, LLC. He returned to work, and an independent medical evaluation in December 2010 concluded that he had reached maximum medical improvement. After Chafin's mine closed, Vannoy worked for another employer and sustained an intervening injury in 2012. The lower tribunals found that his current complaints, including right-leg weakness and episodes of his leg giving out, began after the 2012 injury rather than resulting from aggravation or progression of the 2009 compensable injury.

PROCEDURAL HISTORY

The claims administrator denied Vannoy's December 2012 request to reopen his 2009 workers' compensation claim for temporary total disability benefits. The Workers' Compensation Office of Judges affirmed that decision on November 12, 2013, and the Board of Review affirmed on April 15, 2014. The Supreme Court of Appeals of West Virginia affirmed the Board's final order.

DISPOSITION

affirmed

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