

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Nana Ramsey, Widow of Dennis Ramsey v. West Virginia Office of Insurance Commissioner/Consolidation Coal Company

Ramsey · No. No. 11-0753 (BOR Appeal No. 2045168) (Claim No. 2008020507) · Decided February 5, 2013

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the denial of dependent's workers' compensation benefits to Nana Ramsey following her husband's death. The court held that the evidence supported the finding that occupational pneumoconiosis did not materially contribute to his death, which was attributed to severe cardiac dysfunction.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Brent D. Benjamin; Justice Robin J. Davis; Justice Margaret L. Workman; Justice Menis E. Ketchum; Justice Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	February 5, 2013
DOCKET	No. 11-0753 (BOR Appeal No. 2045168) (Claim No. 2008020507)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner's appeal from the West Virginia Workers' Compensation Board of Review's order affirming the Office of Judges' reversal of the claims administrator's grant of dependent's 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 was based on a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Nonprecedential memorandum decision
PARTIES	Nana Ramsey, Widow of Dennis Ramsey v. West Virginia Office of Insurance Commissioner, Consolidation Coal Company

TOPICS

workers compensation

administrative law

appellate procedure

standard of review

PRACTICE AREAS

workers compensation

administrative law

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QUESTIONS PRESENTED

1. Whether substantial evidence supported the determination that occupational pneumoconiosis did not materially contribute to Dennis Ramsey's death.
2. Whether the Workers' Compensation Board of Review's decision affirming the denial of dependent's benefits 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 evidence supported the finding that occupational pneumoconiosis did not materially contribute to Dennis Ramsey's death; his death resulted from severe cardiac dysfunction unrelated to coal-dust exposure.
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

“The Court has carefully reviewed the records, written arguments, and appendices contained in the briefs, and the case is mature for consideration.” (at 1)

“Therefore, the decision of the Board of Review is affirmed.” (at 2)

FACTUAL BACKGROUND

Dennis Ramsey died on October 13, 2007, from cardiopulmonary arrest and severe emphysema. An Occupational Pneumoconiosis Board initially found that occupational pneumoconiosis materially contributed to his death, but later explained that it had not previously reviewed records documenting his severe cardiac dysfunction. After reviewing the complete medical record, the Occupational Pneumoconiosis Board and an independent medical reviewer concluded that severe ischemic cardiomyopathy and cardiac failure caused the death and that coal-dust exposure played no material role.

PROCEDURAL HISTORY

Nana Ramsey filed a claim for dependent's benefits after her husband's death. The claims administrator initially granted benefits, but the Workers' Compensation Office of Judges reversed that decision, finding that occupational pneumoconiosis did not materially contribute to the death. The Board of Review affirmed, and the Supreme Court of Appeals of West Virginia affirmed the Board of Review.

DISPOSITION

affirmed

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