

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Charles G. Delbert v. Consolidation Coal Co.

No. 13-0257 · No. No. 13-0257 · Decided October 15, 2014

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the denial of attorney’s fees and costs following the reversal of a claims administrator’s denial of Gabapentin and Metaxalone in a workers’ compensation claim. The Court held that the denial was not unreasonable under West Virginia Code § 23-2C-21(c) because the medications had also been requested in a separate claim involving a different injury. The Court found no clear legal or factual error in the Board of Review’s decision.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per curiam; 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	October 15, 2014
DOCKET	No. 13-0257
DISPOSITION	affirmed
PROCEDURAL POSTURE	Claimant appealed the West Virginia Workers’ Compensation Board of Review’s affirmance of an Office of Judges order denying attorney’s fees and costs after the claims administrator’s denial of medications was reversed.
STANDARD OF REVIEW	The Court reviewed whether the Board of Review’s decision clearly violated a constitutional or statutory provision, resulted from clearly erroneous conclusions of law, or rested on a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Memorandum decision; no reporter citation appears in the opinion text.
PARTIES	Charles G. Delbert v. Consolidation Coal Company

TOPICS

workers compensation

administrative law

remedies

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Delbert was entitled to attorney's fees and costs under West Virginia Code § 23-2C-21(c) after successfully obtaining reversal of the denial of workers' compensation medications.
2. Whether the claims administrator's denial of Gabapentin and Metaxalone was unreasonable when made.

HOLDINGS

1. A claimant's successful reversal of a denial of medical benefits does not automatically entitle the claimant to attorney's fees and costs; the denial must have been unreasonable under West Virginia Code § 23-2C-21(c).
2. The Board of Review did not clearly violate a constitutional or statutory provision, clearly err in its legal conclusions, or materially misstate or mischaracterize the evidentiary record; therefore, its decision was affirmed.

KEY QUOTATIONS

"The evidence does not prove that the claims administrator acted unreasonable in denying these medications." (2)

"Therefore, the decision of the Board of Review is affirmed." (2)

FACTUAL BACKGROUND

Delbert was injured while working as a coal miner for Consolidation Coal Company on February 13, 1999, and his workers' compensation claim was held compensable. In 2011, the claims administrator denied his request for Gabapentin and Metaxalone because the treating physician had requested the same medications in a separate claim involving a thoracic sprain. The Office of Judges later determined that the medications were medically related and reasonably required for the compensable injury, but concluded that the original denial was not unreasonable because of the overlapping requests and the evidence available at the time.

PROCEDURAL HISTORY

The claims administrator denied Delbert's request for Gabapentin and Metaxalone because the same medications had been requested in another claim involving a different injury. The Office of Judges reversed the medication denial but denied Delbert's request for attorney's fees and costs, finding that the denial was not unreasonable when made. The Board of Review affirmed, and the Supreme Court of Appeals affirmed the Board's decision.

DISPOSITION

affirmed

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