

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Ricky Meadows v. Kingston Mining, Inc.

Meadows v. Kingston Mining · No. No. 12-0064 · Decided October 4, 2013

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the Workers’ Compensation Board of Review’s decision awarding Ricky Meadows a 15% permanent partial disability rating for his cervical spine and 0% for his thoracic spine. The court concluded that the Board’s decision was not clearly erroneous or based on a material misstatement of the evidence.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Brent D. Benjamin; Justice Robin J. Davis; Justice Allen H. Loughry II; Justice Margaret L. Workman; Justice Menis E. Ketchum
JURISDICTION	West Virginia
DECIDED	October 4, 2013
DOCKET	No. 12-0064
DISPOSITION	affirmed
PROCEDURAL POSTURE	Claimant appealed the West Virginia Workers' Compensation Board of Review's affirmance of an Office of Judges order awarding 15% permanent partial disability for the cervical spine and 0% for the thoracic spine.
STANDARD OF REVIEW	The Board of Review's decision would be affirmed unless 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PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ricky Meadows v. Kingston Mining, Inc.

TOPICS

- workers compensation
- administrative law
- appellate procedure
- standard of review

PRACTICE AREAS

Workers' Compensation

Administrative Law

Appellate Procedure

QUESTIONS PRESENTED

1. Whether the Board of Review erred in affirming a 0% permanent partial disability rating for the thoracic spine despite two physicians assigning a 5% thoracic-spine impairment.
2. Whether the evidentiary record supported a 15% permanent partial disability award for the cervical spine.

HOLDINGS

1. The Board of Review did not err in affirming a 0% permanent partial disability award for the thoracic spine.
2. The 15% permanent partial disability award for the cervical spine was supported by the medical evidence and was properly affirmed.

KEY QUOTATIONS

"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." (2)

FACTUAL BACKGROUND

Ricky Meadows, a shuttle car operator in an underground coal mine, struck his head on a low portion of the mine roof while operating a mantrip. His workers' compensation claim was held compensable for thoracic and cervical sprains. Medical evaluators assigned differing impairment ratings, including cervical-spine ratings ranging from 5% to 16% and thoracic-spine ratings of either 0% or 5%. The Office of Judges credited the evaluations supporting a 15% cervical-spine impairment and found no compensable thoracic-spine impairment, relying in part on the lack of continuing thoracic treatment or complaints.

PROCEDURAL HISTORY

The claims administrator initially granted a 5% permanent partial disability award for the cervical spine. The Office of Judges reversed that decision and awarded 15% permanent partial disability for the cervical spine and 0% for the thoracic spine. The Board of Review affirmed, and the Supreme Court of Appeals affirmed the Board's final order.

DISPOSITION

affirmed