

SUPREME COURT OF APPEALS OF WEST VIRGINIA

John E. Meadows v. Cobalt Coal Corporation Mining, Inc.

Meadows · No. No. 14-1084 · Decided September 17, 2015

SUMMARY

The West Virginia Supreme Court of Appeals affirmed the Board of Review’s denial of authorization for brachial plexus injections and ongoing care for John E. Meadows’s compensable cervical and thoracic strains. The court concluded that the requested treatment was directed toward noncompensable degenerative conditions and that the supporting medical evidence showed maximum medical improvement with no need for further treatment related to the compensable injuries. The court found no clear legal or factual error and issued a memorandum decision under Rule 21.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per Curiam; Margaret L. Workman; Robin J. Davis; Brent D. Benjamin; Menis E. Ketchum; Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	September 17, 2015
DOCKET	No. 14-1084
DISPOSITION	affirmed
PROCEDURAL POSTURE	John E. Meadows appealed the West Virginia Workers’ Compensation Board of Review’s order affirming the denial of authorization for brachial plexus injections and ongoing care.
STANDARD OF REVIEW	The Board of Review’s decision will be affirmed unless it is in clear violation of a constitutional or statutory provision, clearly the result of erroneous conclusions of law, or based on a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Unpublished memorandum decision; the opinion states that it is issued under Rule 21.
PARTIES	John E. Meadows v. Cobalt Coal Corporation Mining, Inc.

TOPICS

workers compensation

appellate procedure

standard of review

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Board of Review clearly erred in affirming the denial of authorization for brachial plexus injections and ongoing care.
2. Whether the requested treatment was medically related to and reasonably required for Meadows's compensable cervical and thoracic spine strains.

HOLDINGS

1. The Board of Review did not clearly violate a constitutional or statutory provision, reach an erroneous conclusion of law, or materially misstate or mischaracterize the evidentiary record, so its decision was affirmed.
2. Meadows failed to prove by a preponderance of the evidence that brachial plexus injections and ongoing care were medically related to and reasonably required for treatment of his compensable conditions.

KEY QUOTATIONS

"This Court agrees with the Board of Review because Dr. Swanson is treating Mr. Meadows for a non-compensable condition." (2)

"For the foregoing reasons, 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." (3)

FACTUAL BACKGROUND

John E. Meadows, a mine foreman, suffered a neck injury while moving mining cable, and the claim was held compensable for cervical and thoracic spine strains. His treating physician requested authorization for brachial plexus injections and ongoing care, while two independent medical examiners concluded that he had reached maximum medical improvement, did not need further treatment for the compensable injuries, and had symptoms attributable to noncompensable degenerative conditions. The claims administrator, Office of Judges, and Board of Review found that Meadows failed to establish that the requested treatment was medically related to and reasonably required for his compensable conditions.

PROCEDURAL HISTORY

The claims administrator denied authorization for the requested treatment. The Workers' Compensation Office of Judges affirmed that decision on April 18, 2014, and the Board of Review affirmed on September 25, 2014. The Supreme Court of Appeals of West Virginia affirmed the Board's decision in a memorandum decision.

DISPOSITION

affirmed

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