

SUPREME COURT OF WYOMING

Alphin v. State of Wyoming ex rel. Wyoming Workers' Safety and Compensation Division

228 P.3d 61 (Wyo. 2010) · No. S-09-0085 · Decided April 1, 2010

SUMMARY

The Wyoming Supreme Court affirmed the district court's order upholding a hearing examiner's denial of Joshua Todd Alphin's workers' compensation claim. The court held that substantial evidence supported the determination that Alphin's low-back condition was preexisting and was not caused or materially aggravated by his workplace injury, and that the arbitrary-and-capricious safety-net standard did not apply.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Hill, Justice; Voigt, C.J.; Golden, J.; Hill, J.; Kite, J.; Burke, J.
JURISDICTION	Wyoming
DECIDED	April 1, 2010
DOCKET	S-09-0085
DISPOSITION	affirmed
PROCEDURAL POSTURE	Alphin appealed the district court's order affirming a hearing examiner's denial of his workers' compensation claim.
STANDARD OF REVIEW	The substantial-evidence standard applies to review of evidentiary rulings and to review of an agency's decision that a claimant failed to meet the burden of proof. The court asks whether the agency's rejection of the claimant's evidence was contrary to the overwhelming weight of the evidence in the record as a whole. The arbitrary-and-capricious standard remains a safety net for agency action prejudicing substantial rights or failing other Wyoming Administrative Procedure Act review standards, but it does not apply to true evidentiary questions; it may apply when an examiner refuses clearly admissible evidence or fails to provide appropriate findings of fact or conclusions of law.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion

PARTIES

Joshua Todd Alphin v. State of Wyoming, ex rel. Wyoming Workers' Safety and Compensation Division

TOPICS

workers compensation

judicial review of agency action

administrative law

evidence

appellate procedure

PRACTICE AREAS

workers compensation

administrative law

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evidence

QUESTIONS PRESENTED

1. Whether the hearing examiner's denial of workers' compensation benefits was supported by substantial evidence.
2. Whether the hearing examiner acted arbitrarily, capriciously, or otherwise not in accordance with law in denying benefits.
3. Whether the workplace incident caused a new lumbar injury or materially aggravated Alphin's preexisting lumbar condition.

HOLDINGS

1. The denial of benefits was supported by substantial evidence because the examiner reasonably rejected Alphin's evidence and credited evidence that his lumbar condition predated the workplace incident and was not caused or materially aggravated by it.
2. The arbitrary-and-capricious safety-net standard did not apply to Alphin's circumstances.
3. A workers' compensation claimant must prove by a preponderance of the evidence that the employment-related incident caused the claimed injury or substantially or materially aggravated a preexisting condition.

KEY QUOTATIONS

"The arbitrary and capricious standard remains a "'safety net' to catch agency action which prejudices a party's substantial rights or which may be contrary to the other W.A.P.A. review standards yet is not easily categorized or fit to any one particular standard." (at 66-67)

"Importantly, our review of any particular decision turns not on whether we agree with the outcome, but on whether the agency could reasonably conclude as it did, based on all the evidence before it." (at 67)

"If an employee suffers from a preexisting condition, that employee may still recover if his employment substantially or materially aggravates that condition." (at 68)

"We conclude that there is substantial evidence to support the agency's decision to reject the evidence offered by Alphin after considering whether that conclusion was contrary to the overwhelming weight of the evidence in the record as a whole." (at 69)

FACTUAL BACKGROUND

Alphin was struck and pinned against a trailer by a backhoe while working on December 12, 2005. Immediately afterward, physicians documented pelvic and hip contusions but no lumbar-spine injury or current back pain. Alphin had a significant preexisting history of lumbar problems, including disc herniations, years of intermittent back pain after a 2001 fall, an epidural injection, and a recommendation for surgery before the workplace accident. Although one physician later opined that the work incident materially aggravated his condition, the hearing examiner credited contrary medical evidence and found that Alphin failed to prove causation.

PROCEDURAL HISTORY

Alphin was injured while working for Black Horse Construction, Inc., on December 12, 2005. The Division initially denied his claim as untimely but agreed that the claim should be heard on the merits. After a hearing, an Office of Administrative Hearings examiner denied benefits, finding that Alphin failed to establish that his current low-back condition was caused or materially aggravated by the workplace incident. The district court affirmed, and the Wyoming Supreme Court affirmed the district court.

DISPOSITION

affirmed

CASES CITED

- Dale v. S & S Builders, L.L.C., 2008 WY 84, 188 P.3d 554 (Wyo. 2008)
- Wyo. Consumer Group v. Public Service Commission of Wyoming, 882 P.2d 858 (Wyo. 1994)
- Board of Trustees v. Spiegel, 549 P.2d 1161 (Wyo. 1976)
- Newman v. State ex rel. Wyoming Workers' Safety and Compensation Division, 2002 WY 91, 49 P.3d 163 (Wyo. 2002)
- Hanks v. City of Casper, 2001 WY 4, 16 P.3d 710 (Wyo. 2001)
- Clark v. State ex rel. Wyoming Workers' Safety and Compensation Division, 2001 WY 132, 36 P.3d 1145 (Wyo. 2001)
- Matter of Worker's Compensation Claim of Thornberg, 913 P.2d 863 (Wyo. 1996)
- Scherling v. Kilgore, 599 P.2d 1352 (Wyo. 1979)
- Anastos v. General Chemical Soda Ash, 2005 WY 122, 120 P.3d 658 (Wyo. 2005)
- Lindbloom v. Teton International, 684 P.2d 1388 (Wyo. 1984)
- Boyce v. State ex rel. Wyoming Workers' Safety & Compensation Division, 2005 WY 9, 105 P.3d 451 (Wyo. 2005)
- Ramos v. State ex rel. Wyoming Workers' Safety & Compensation Division, 2007 WY 85, 158 P.3d 670 (Wyo. 2007)
- Straube v. State ex rel. Wyoming Workers' Safety and Compensation Division, 2009 WY 66, 208 P.3d 41 (Wyo. 2009)
- Sherwin-Williams Co. v. Borchert, 994 P.2d 959 (Wyo. 2000)

- Taylor, 123 P.3d 145 (Wyo. 2005)
- Morgan v. Olsten Temporary Services, 975 P.2d 12 (Wyo. 1999)
- Forni v. Pathfinder Mines, 834 P.2d 688 (Wyo. 1992)
- Clark v. State ex rel. Wyoming Workers' Safety and Compensation Division, 934 P.2d 1269 (Wyo. 1997)
- Hicks v. State ex rel. Wyoming Workers' Safety and Compensation Division, 2005 WY 11, 105 P.3d 462 (Wyo. 2005)
- Workman's Compensation Claim of Rodgers v. State ex rel. Wyoming Workers' Safety and Compensation Division, 2006 WY 65, 135 P.3d 568 (Wyo. 2006)
- Baxter v. Sinclair Oil Corp., 2004 WY 138, 100 P.3d 427 (Wyo. 2004)
- Bando v. Clure Bros. Furniture, 980 P.2d 323 (Wyo. 1999)
- Matter of Goddard, 914 P.2d 1233 (Wyo. 1996)
- Latimer v. Rissler & McMurry Co., 902 P.2d 706 (Wyo. 1995)

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