

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Leonard Smith v. Brooks Run South Mining, LLC

Smith · No. No. 21-0474 (BOR Appeal No. 2056010) (Claim No. 2018026502) · Decided October 18, 2022

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the denial of workers' compensation compensability for Leonard Smith's bilateral carpal tunnel syndrome. The court held that the condition predated Smith's employment with Brooks Run South Mining, LLC, was not previously held compensable, and therefore could not be treated as a compensable aggravation. Justice Wooton dissented, arguing that the issue warranted Rule 20 consideration and that prior receipt of workers' compensation benefits should not determine whether the condition was occupational.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per curiam; Chief Justice John A. Hutchison; Justice Elizabeth D. Walker; Justice Tim Armstead; Justice C. Haley Bunn; Justice William R. Wooton
JURISDICTION	West Virginia
DECIDED	October 18, 2022
DOCKET	No. 21-0474 (BOR Appeal No. 2056010) (Claim No. 2018026502)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the West Virginia Workers' Compensation Board of Review's affirmance of the rejection of his claim for carpal tunnel syndrome as compensable.
STANDARD OF REVIEW	Under W. Va. Code § 23-5-15(c), the Court gives deference to the Board of Review's findings, reasoning, and conclusions. When the Board affirms prior rulings by the commission and Office of Judges on the same issue, reversal or modification is permitted only for a clear constitutional or statutory violation, erroneous conclusions of law, or material misstatement or mischaracterization of the evidentiary record; the Court may not reweigh the evidence de novo. Questions of law are reviewed de novo.
PRECEDENTIAL VALUE	Memorandum decision; no substantial question of law and no prejudicial error found.

PARTIES

Leonard Smith v. Brooks Run South Mining, LLC

TOPICS

workers compensation

administrative law

standard of review

appellate procedure

employment law

PRACTICE AREAS

workers compensation

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QUESTIONS PRESENTED

1. Whether Smith's bilateral carpal tunnel syndrome was compensable as an occupational injury arising from his employment with Brooks Run South Mining.
2. Whether Smith could obtain workers' compensation benefits for an aggravation of a preexisting carpal tunnel condition that had not previously been held compensable.
3. Whether the Board of Review's decision should be reversed under the deferential standard governing workers' compensation appeals.

HOLDINGS

1. The Court may not reverse or modify the Board's decision affirming the prior rulings unless the decision violates a constitutional or statutory provision, rests on an erroneous conclusion of law, or materially misstates or mischaracterizes the evidentiary record; the Court may not reweigh the evidence de novo.
2. Smith's bilateral carpal tunnel syndrome was not compensable because it predated his employment with Brooks Run South Mining, and an aggravation of the condition could not be held compensable because the preexisting condition had never previously been held compensable.

KEY QUOTATIONS

"The court may not conduct a de novo reweighing of the evidentiary record" (at 1)

"The evidence shows that Mr. Smith suffered from carpal tunnel syndrome prior to his employment with Brooks Run South Mining. Further, the condition was not previously held compensable, and therefore, an aggravation of the condition cannot be held compensable." (at 4)

FACTUAL BACKGROUND

Leonard Smith was diagnosed with bilateral carpal tunnel syndrome before beginning employment with Brooks Run South Mining, including EMG confirmation in 2010. After working as a continuous miner and later a shuttle car operator, he experienced worsening bilateral hand symptoms and claimed that repetitive work activities caused or aggravated the condition. Medical opinions differed, but the claims administrator and reviewing tribunals concluded that the condition predated his employment and was not compensable as an occupational disease or aggravation.

PROCEDURAL HISTORY

The claims administrator rejected the claim on September 18, 2018. The Workers' Compensation Office of Judges affirmed the rejection on November 17, 2020, and the Board of Review affirmed on May 21, 2021. The Supreme Court of Appeals of West Virginia affirmed the Board's decision in a memorandum decision.

DISPOSITION

affirmed

CASES CITED

- Hammons v. W. Va. Off. of Ins. Comm'r, 235 W. Va. 577, 582-83, 775 S.E.2d 458, 463-64 (2015)
- Justice v. West Virginia Office Insurance Commission, 230 W. Va. 80, 83, 736 S.E.2d 80, 83 (2012)
- Davies v. W. Va. Off. of Ins. Comm'r, 227 W. Va. 330, 334, 708 S.E.2d 524, 528 (2011)
- Spartan Mining Company v. John Anderson, No. 17-1003, 2018 WL 2306287 (W. Va. May 21, 2018) (memorandum decision)
- Barnett v. State Workmen's Comp. Comm'r, 153 W. Va. 796, 172 S.E.2d 698 (1970)

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