

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Rebecca Colaber v. Eagle Manufacturing Company

Colaber v. Eagle Manufacturing · No. No. 14-0940 (BOR Appeal No. 2049338) (Claim No. 2012018176) ·
Decided June 1, 2015

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed a Board of Review decision holding Rebecca Colaber's workers' compensation claim compensable only for a left ankle sprain. The court upheld the denial of additional temporary total disability benefits, surgery, and medical treatment because the evidence showed that her ongoing foot conditions were pre-existing and not causally related to the compensable injury. The court issued the decision as a memorandum decision under Rule 21 of the West Virginia Rules of Appellate Procedure.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Margaret L. Workman; Justice Robin J. Davis; Justice Brent D. Benjamin; Justice Menis E. Ketchum; Justice Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	June 1, 2015
DOCKET	No. 14-0940 (BOR Appeal No. 2049338) (Claim No. 2012018176)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner's appeal from the West Virginia Workers' Compensation Board of Review's final order affirming the Office of Judges' order, which held the claim compensable for a left ankle sprain but denied additional temporary total disability benefits, surgery authorization, and additional medical treatment.
STANDARD OF REVIEW	The Board of Review's decision is 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PRECEDENTIAL VALUE	Unpublished memorandum decision; no precedential status is stated beyond the designation as a memorandum decision.
PARTIES	Rebecca Colaber v. Eagle Manufacturing Company

TOPICS

workers compensation

judicial review of agency action

standard of review

appellate procedure

PRACTICE AREAS

workers compensation

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether the claim should be held compensable for diagnoses beyond the left ankle sprain, including peroneal tendon and forefoot conditions.
2. Whether petitioner was entitled to additional temporary total disability benefits.
3. Whether surgery and additional medical treatment were medically related and reasonably required to treat the compensable injury.
4. Whether the Board of Review's decision was clearly erroneous or otherwise subject to reversal under the governing deferential standard of review.

HOLDINGS

1. The claim was properly held compensable only for a left ankle sprain; petitioner failed to establish that peroneal brevis rupture, tendinopathy, fifth-metatarsal exostosis, or foot and ankle tenosynovitis were causally related to the work injury.
2. Petitioner was not entitled to additional temporary total disability benefits because the compensable ankle sprain had resolved and her ongoing disability was attributable to noncompensable preexisting degenerative conditions.
3. The denial of authorization for surgery and additional medical care was proper because the requested treatment was directed to noncompensable tendon and forefoot conditions and was not medically related or reasonably required to treat the resolved ankle sprain.
4. The Board of Review's decision did not clearly violate a constitutional or statutory provision, result from erroneous conclusions of law, or rest on a material misstatement or mischaracterization of the evidentiary record.

KEY QUOTATIONS

“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.” (at 4)

FACTUAL BACKGROUND

Rebecca Colaber, an Eagle Manufacturing laborer, rolled her left ankle while carrying boxes over uneven ground on November 16, 2011. Initial treatment documented a left foot and ankle contusion and sprain, but later imaging and medical evaluations identified degenerative, tendon, forefoot, and metatarsal conditions, some of which predated the incident. Although physicians requested continued disability benefits, surgery, and additional

treatment, the administrative factfinders concluded that the ankle sprain had resolved and that the ongoing conditions were noncompensable preexisting conditions.

PROCEDURAL HISTORY

The claims administrator issued three decisions on January 15, 2013, rejecting the claim, closing temporary total disability benefits, and denying authorization for surgery and additional medical treatment. The Office of Judges reversed the claim-rejection decision in part and held the claim compensable for a left ankle sprain, but affirmed the other two decisions. The Board of Review affirmed, and the Supreme Court of Appeals affirmed the Board's final order.

DISPOSITION

affirmed

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