

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Spartan Mining Company v. Larry Hatfield

No. 18-0928 (BOR Appeal No. 2052753) · No. No. 18-0928 · Decided November 1, 2019

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed a Board of Review decision awarding Larry Hatfield temporary total disability benefits and authorizing physical therapy and pain-management referral for his compensable left-foot injury. The court held that the treating podiatrist's opinion was more persuasive than the independent medical evaluations and that Hatfield had not reached maximum medical improvement. The court found no clear legal or factual error in the Board's decision.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Elizabeth D. Walker; Justice Margaret L. Workman; Justice Tim Armstead; Justice Evan H. Jenkins; Justice John A. Hutchison
JURISDICTION	West Virginia
DECIDED	November 1, 2019
DOCKET	No. 18-0928
DISPOSITION	affirmed
PROCEDURAL POSTURE	Spartan Mining Company appealed the West Virginia Workers' Compensation Board of Review's affirmance of an Office of Judges order that authorized pain-management referral and physical therapy and reinstated temporary total disability benefits.
STANDARD OF REVIEW	The Board of Review's decision would not be disturbed unless it violated a constitutional or statutory provision, resulted from erroneous conclusions of law, or was clearly wrong despite resolving inferences in favor of the Board's findings, reasoning, and conclusions.
PRECEDENTIAL VALUE	Published memorandum decision; precedential effect is not expressly stated in the opinion text.
PARTIES	Spartan Mining Company v. Larry Hatfield

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 properly affirmed authorization of continued physical therapy for Hatfield's compensable foot injury.
2. Whether the Board of Review properly affirmed authorization of a referral to pain management.
3. Whether temporary total disability benefits were improperly closed when the medical evidence showed that Hatfield had not reached maximum medical improvement and remained unable to work because of the compensable injury.

HOLDINGS

1. The Board of Review properly affirmed the authorization of continued physical therapy and referral to pain management because a preponderance of the evidence supported the treating physician's opinion that the treatment was reasonably related to Hatfield's compensable injury and remained necessary.
2. The Board of Review properly affirmed the reversal of the claims administrator's closure of temporary total disability benefits because the evidence showed that Hatfield had not reached maximum medical improvement and remained off work due to the compensable injury.
3. The Board of Review's decision must be affirmed when it is not in clear violation of a constitutional or statutory provision, is not based on clearly erroneous conclusions of law, and is not clearly wrong in light of the evidence and permissible inferences.

KEY QUOTATIONS

"For these 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 so clearly wrong that even when all inferences are resolved in favor of the Board's findings, reasoning, and conclusions, there is insufficient support to sustain the decision." (4)

FACTUAL BACKGROUND

Larry Hatfield, a shuttle car driver, sustained a crush injury to his left foot when a large rock fell on it at work on February 25, 2016, causing multiple fractures and related foot injuries. He underwent conservative treatment, surgery, and physical therapy, but continued to report pain, balance problems, and limited range of motion. His treating podiatrist, Dr. Blake Weeks, recommended continued physical therapy and pain management and opined that Hatfield remained temporarily and totally disabled, while independent medical examiners concluded that he had reached maximum medical improvement and that some complaints were unsupported by objective findings.

PROCEDURAL HISTORY

The claims administrator denied pain-management referral, denied physical therapy, and closed the claim for temporary total disability benefits. The Office of Judges reversed those decisions, authorized the requested treatment, and granted temporary total disability benefits. The Board of Review affirmed, and Spartan Mining appealed to the Supreme Court of Appeals of West Virginia. The Supreme Court affirmed the Board of Review in a memorandum decision.

DISPOSITION

affirmed

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