

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Charles L. Cantley v. Baylor Mining, Inc.

Cantley v. Baylor Mining · No. No. 14-0459 · Decided December 3, 2014

SUMMARY

The West Virginia Supreme Court of Appeals affirmed the denial of temporary total disability benefits to Charles L. Cantley for a work-related lumbar sprain. The court held that medical evidence showed Cantley had been released to modified work and had reached maximum medical improvement, so the Board of Review's decision was not clearly erroneous.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Robin J. Davis; Justice Brent D. Benjamin; Justice Margaret L. Workman; Justice Allen H. Loughry II; Justice Menis E. Ketchum
JURISDICTION	West Virginia
DECIDED	December 3, 2014
DOCKET	No. 14-0459
DISPOSITION	affirmed
PROCEDURAL POSTURE	Claimant appealed the West Virginia Workers' Compensation Board of Review's order affirming the Workers' Compensation Office of Judges' denial of temporary total disability benefits.
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 results from erroneous conclusions of law, or is based on a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Published memorandum decision; precedential treatment not otherwise specified in the opinion
PARTIES	Charles L. Cantley v. Baylor Mining, Inc.

TOPICS

workers compensation

appellate procedure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Board of Review erred in affirming the denial of temporary total disability benefits.
2. Whether the evidence established that Cantley remained temporarily and totally disabled after his compensable work injury.

HOLDINGS

1. Cantley was not entitled to temporary total disability benefits because the medical evidence showed that he had been released to perform modified work and had reached maximum medical improvement.
2. The Board of Review's decision was not in clear violation of a constitutional or statutory provision, was not clearly the result of erroneous conclusions of law, and was not based on a material misstatement or mischaracterization of the evidentiary record.

KEY QUOTATIONS

"Pursuant to West Virginia Code § 23-4-7a (2005) temporary total disability benefits will cease when a claimant has reached maximum medical improvement, has been released to return to work, or has returned to work, whichever occurs first." (at 2)

FACTUAL BACKGROUND

Charles L. Cantley, a coal miner and shuttle car operator, injured his back while lifting a rock at work on November 14, 2012. The claim was held compensable for a lumbar-region sprain, but MedExpress released him to modified work on November 16, 2012, and the injury report stated that he could return to work on November 17. Although Dr. Rajesh V. Patel considered Cantley temporarily and totally disabled, Drs. Mukkamala and Walker later found that he had reached maximum medical improvement.

PROCEDURAL HISTORY

The claims administrator held Cantley's workers' compensation claim compensable for a lumbar sprain and determined that the injury caused fewer than four days of disability. The Office of Judges denied temporary total disability benefits, finding insufficient medical evidence that Cantley could not return to work, and the Board of Review affirmed. The Supreme Court of Appeals reviewed the Board's final order and affirmed.

DISPOSITION

affirmed

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