

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

administrative law

remedies

standard of review

PRACTICE AREAS

workers compensation

employment law

administrative law

appellate procedure

remedies

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

OPINION

Charles L. Cantley v. Baylor Mining
PER CURIAM.

STATE OF WEST VIRGINIA

FILED

SUPREME COURT OF APPEALS December 3, 2014

RORY L. PERRY II, CLERK

SUPREME COURT OF APPEALS

CHARLES L. CANTLEY, OF WEST VIRGINIA

Claimant Below, Petitioner vs.) No. 14-0459 (BOR Appeal No. 2048999) (Claim No. 2013017007)

BAYLOR MINING, INC.,

Employer Below, Respondent

MEMORANDUM DECISION

Petitioner Charles L. Cantley, by Reginald D. Henry, his attorney, appeals the decision of the West Virginia Workers' Compensation Board of Review. Baylor Mining Inc., by Timothy Huffman, its attorney, filed a timely response. This appeal arises from the Board of Review's Final Order dated April 15, 2014, in which the Board affirmed a November 25, 2013, Order of the Workers' Compensation Office of Judges. In its Order, the Office of Judges determined that there is not sufficient medical evidence to demonstrate that Mr. Cantley could not have returned to work and therefore found that he is not entitled to temporary total disability benefits at this time. The Court has carefully reviewed the records, written arguments, and appendices contained in the briefs, and the case is mature for consideration. This Court has considered the parties' briefs and the record on appeal. The facts and legal arguments are adequately presented, and the decisional process would not be significantly aided by oral argument. Upon consideration of the standard of review, the briefs, and the record presented, the Court finds no substantial question of law and no prejudicial error. For these reasons, a memorandum decision is appropriate under Rule 21 of the Rules of Appellate Procedure. Mr. Cantley worked as a coal miner and shuttle car operator for Baylor Mining, Inc. On November 14, 2012, Mr. Cantley was injured while lifting a rock. The claims administrator held the claim compensable for sprain of the lumbar region and found that Mr. Cantley was only disabled from working less than four days due to this injury. Rajesh V. Patel, M.D., found Mr. Cantley was temporarily and totally disabled due to the work injury. However, MedExpress released Mr. Cantley to return to modified work on November 16, 2012. In addition on the Employee's and Physician's Report of Injury, the physician noted Mr. Cantley was to return to work on November 17, 2012, and was not advised to remain off work more than four days. The Office of Judges determined that there is not sufficient medical evidence to demonstrate that Mr. Cantley could not have returned to work and therefore, found that he is not entitled to temporary total disability benefits at this time. The Board of Review affirmed the Order of the Office of Judges. On appeal, Mr. Cantley disagrees and asserts that the Board of Review erred in affirming the Order of the Office of Judges and failed to recognize that the Office of Judges added secondary conditions as compensable components, but refused to grant temporary total disability benefits.

Baylor Mining, Inc., maintains that Mr. Cantley has failed to prove that he is entitled to temporary total disability benefits for the injury sustained on November 14, 2012, and that Mr. Cantley was released to return to modified work by the physicians at MedExpress. The Office of Judges found that the physicians at MedExpress consistently concluded Mr. Cantley was able to perform modified work. The Office of Judges concluded that the evidence is not sufficient to grant temporary total disability benefits at this time. This Court agrees with the conclusions of the Office of Judges and the Board of Review. 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. Mr. Cantley was released for modified work on November 16, 2012, by physicians at MedExpress. Furthermore, on the November 16, 2012, report of injury form, the physician stated that Mr. Cantley was able to return to modified work on November 17, 2012. Mr. Cantley was also found to have reached maximum medical improvement by Dr. Mukkamala on April 4, 2013, and by Dr. Walker on June 20, 2013. Therefore, Mr. Cantley is not temporary totally disabled and has been released to return to work as early as November 16, 2012. 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. Therefore, the decision of the Board of Review is affirmed. Affirmed. ISSUED: December 3, 2014 CONCURRED IN BY: Chief Justice Robin J. Davis Justice Brent D. Benjamin Justice Margaret L. Workman Justice Allen H. Loughry II 2 DISSENTING: Justice Menis E. Ketchum 3