

SUPREME COURT OF WYOMING

Blaine M. McCallister v. State of Wyoming, ex rel. Department of Workforce Services, Workers' Compensation Division

McCallister, 2022 WY 66 (Wyo. 2022) · No. S-21-0214 · Decided June 3, 2022

SUMMARY

The Supreme Court of Wyoming affirmed the denial of Blaine M. McCallister’s request for an endless pool as workers’ compensation medical equipment. The court held that the Office of Administrative Hearings had authority to decide the matter because the primary issues were legal rather than medically contested, and that collateral estoppel barred relitigation of the request previously denied in a 2017 proceeding.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Kautz, Justice; Fox, C.J.; Kautz, J.; Boomgaarden, J.; Gray, J.; Fenn, J.
JURISDICTION	Wyoming
DECIDED	June 3, 2022
DOCKET	S-21-0214
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the district court's affirmance of an Office of Administrative Hearings decision denying McCallister's request for preauthorization of an endless pool to treat a work-related injury.
STANDARD OF REVIEW	The Supreme Court reviews the administrative decision as if the case came directly from the agency, without special deference to the district court. It reviews agency factual findings for substantial evidence and reviews agency conclusions of law, statutory and regulatory interpretation, subject-matter jurisdiction, and application of collateral estoppel de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Blaine M. McCallister v. State of Wyoming, ex rel. Department of Workforce Services, Workers' Compensation Division

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Division was required to refer McCallister's case to the Workers' Compensation Medical Commission rather than the Office of Administrative Hearings because the case was medically contested.
2. Whether collateral estoppel barred McCallister from relitigating his entitlement to an endless pool after the OAH had denied the same claim in 2017.

HOLDINGS

1. The Division properly referred McCallister's case to the Office of Administrative Hearings because the case's primary issues were legal, not medically contested. Although the case included an issue concerning the reasonableness and necessity of the pool, that issue was not dispositive, and the controlling issues concerned the statutory personal-item exclusion and collateral estoppel.
2. Collateral estoppel barred McCallister from relitigating his entitlement to an endless pool because the issue was actually and necessarily decided in the 2017 OAH proceeding, the 2017 proceeding resulted in a judgment on the merits, the parties were the same, and McCallister had a full and fair opportunity to litigate.

KEY QUOTATIONS

“Upon referral of a case by the Division, the OAH obtains subject matter jurisdiction.” (¶ 11)

“The collateral estoppel doctrine prohibits relitigation of issues which were actually and necessarily involved in a prior action between the same parties.” (¶ 17)

“The OAH properly determined the elements of collateral estoppel were met and barred Mr. McCallister from relitigating his entitlement to an endless pool to treat his work-related injury because that issue was fully decided by the OAH in 2017.” (¶ 25)

FACTUAL BACKGROUND

McCallister suffered a 2012 cervical and thoracic spine injury and in 2016 sought authorization for durable medical equipment, including an endless pool for home treatment. The Division denied the request, and the OAH upheld the denial in 2017; McCallister's subsequent judicial-review appeal was dismissed because he filed in the wrong county, leaving the OAH decision final. In 2020, he made another request for an endless pool, asserting that his medical condition had worsened and that the pool had somewhat different features. The OAH found the pool reasonable and necessary but denied the claim based on collateral estoppel and the statutory exclusion for noncompensable personal items.

PROCEDURAL HISTORY

The Division denied McCallister's 2020 request for an endless pool and referred his contested case to the Office of Administrative Hearings rather than the Workers' Compensation Medical Commission. The OAH concluded that it had jurisdiction, found the pool reasonable and necessary, but denied the claim because collateral estoppel barred relitigation and the pool was a noncompensable personal item. The Albany County District Court affirmed, and the Wyoming Supreme Court affirmed the district court.

DISPOSITION

affirmed

CASES CITED

- McCallister v. State ex rel. Dep't of Workforce Servs., Workers' Comp. Div., 2019 WY 47, 440 P.3d 1078 (Wyo. 2019)
- In re Vinson, 2020 WY 126, ¶ 25, 473 P.3d 299, 308 (Wyo. 2020)
- Guerrero v. State ex rel. Dep't of Workforce Servs., Workers' Comp. Div., 2015 WY 88, ¶ 11, 352 P.3d 262, 265 (Wyo. 2015)
- Dale v. S & S Builders, LLC, 2008 WY 84, ¶¶ 8, 11, 188 P.3d 554, 557-58 (Wyo. 2008)
- Kenyon v. State ex rel. Wyo. Workers' Safety & Comp. Div., 2011 WY 14, ¶¶ 11, 13, 247 P.3d 845, 849 (Wyo. 2011)
- Middlemass v. State ex rel. Wyo. Workers' Safety & Comp. Div., 2011 WY 118, ¶ 13, 259 P.3d 1161, 1164 (Wyo. 2011)
- MH v. First Jud. Dist. Ct., 2020 WY 72, ¶ 4, 465 P.3d 405, 407 (Wyo. 2020)
- Harmon v. Star Valley Med. Ctr., 2014 WY 90, ¶ 14, 331 P.3d 1174, 1178 (Wyo. 2014)
- Excel Constr., Inc. v. Town of Lovell, 2011 WY 166, ¶ 12, 268 P.3d 238, 241 (Wyo. 2011)
- Tarver v. City of Sheridan Bd. of Adjustments, 2014 WY 71, ¶ 20, 327 P.3d 76, 83 (Wyo. 2014)
- J & T Props., LLC v. Gallagher, 2011 WY 112, 256 P.3d 522 (Wyo. 2011)
- Laramie Cnty. Sheriff's Dep't v. Cook, 2012 WY 47, 272 P.3d 966 (Wyo. 2012)
- Miller v. Life Care Ctrs., 2020 WY 155, ¶ 26, 478 P.3d 164, 171 (Wyo. 2020)
- Vance v. City of Laramie, 2016 WY 106, ¶ 12, 382 P.3d 1104, 1106 (Wyo. 2016)
- Williams v. Sundstrom, 2016 WY 122, ¶ 19, 385 P.3d 789, 794 (Wyo. 2016)
- DB v. State (In re CRA), 2016 WY 24, ¶ 15, 368 P.3d 294, 298 (Wyo. 2016)
- State ex rel. Wyo. Dep't of Rev. v. Buggy Bath Unlimited, Inc., 2001 WY 27, ¶ 6, 18 P.3d 1182, 1185 (Wyo. 2001)
- Antelope Valley Improvement v. State Bd. of Equalization, 992 P.2d 563, 566 (Wyo. 1999), opinion clarified at 4 P.3d 876 (Wyo. 2000)
- French v. Amax Coal W., 960 P.2d 1023, 1028-29 (Wyo. 1998)
- Jacobs v. State ex rel. Wyo. Med. Comm'n, 2005 WY 104, ¶ 10, 118 P.3d 441, 444 (Wyo. 2005)
- Russell v. State ex rel. Wyo. Workers' Safety & Comp. Div., 944 P.2d 1151, 1154-55 (Wyo. 1997)

- Bando v. Clure Brothers Furniture, 980 P.2d 323, 327-28 (Wyo. 1999)
- Alvarez v. State ex rel. Wyo. Workers' Safety & Comp. Div., 2007 WY 126, ¶ 12, 164 P.3d 548, 551 (Wyo. 2007)
- McIntosh v. State ex rel. Wyo. Med. Comm'n, 2007 WY 108, 162 P.3d 483 (Wyo. 2007)
- Sellers v. State ex rel. Wyo. Workers' Safety & Comp. Div., 979 P.2d 959, 961-62 (Wyo. 1999)
- State ex rel. Wyo. Workers' Safety & Comp. Div. v. Sparks, 973 P.2d 507, 508-11 (Wyo. 1999)
- Cabral v. Caspar Bldg. Sys., Inc., 920 P.2d 268 (Wyo. 1996)
- Mattheis Co. v. Mulligan, 2021 WY 14, ¶ 10, 479 P.3d 1213, 1217 (Wyo. 2021)
- In re Robert & Irene Redland Family Tr., 2019 WY 17, ¶ 15, 435 P.3d 349, 356 (Wyo. 2019)
- Porter v. State ex rel. Dep't of Workforce Servs., Workers' Comp. Div., 2017 WY 69, ¶ 15, 396 P.3d 999, 1005
- Lower v. Peabody Powder River Servs., LLC, 2020 WY 33, 459 P.3d 443
- Carson v. State ex rel. Wyo. Workers' Safety & Comp. Div., 2014 WY 42, ¶ 15, 322 P.3d 1261, 1265
- Jacobs v. State ex rel. Wyo. Workers' Safety & Comp. Div., 2009 WY 118, ¶ 12, 216 P.3d 1128, 1132
- Slavens v. Bd. of Cnty. Comm'rs for Uinta Cnty., 854 P.2d 683, 685-87 (Wyo. 1993)
- Wilkinson v. State ex rel. Wyo. Workers' Safety & Comp. Div., 991 P.2d 1228, 1233-34 (Wyo. 1999)
- Univ. of Wyo. v. Gressley, 978 P.2d 1146, 1153 (Wyo. 1999)
- Kahrs v. Bd. of Trs. for Platte Cnty. Sch. Dist. No. 1, 901 P.2d 404, 406 (Wyo. 1995)
- Corrigan v. Vig, 2020 WY 148, ¶¶ 2, 5, 477 P.3d 87, 88-89 (Wyo. 2020)
- Plymale v. Donnelly, 2007 WY 77, ¶¶ 15-17, 157 P.3d 933, 937-38 (Wyo. 2007)
- Plymale v. Donnelly, 2006 WY 3, ¶¶ 2, 11, 125 P.3d 1022, 1023, 1025 (Wyo. 2006)
- Essex Holding, LLC v. Basic Props., Inc., 2018 WY 111, ¶ 40, 427 P.3d 708, 721 (Wyo. 2018)