

SUPREME COURT OF MONTANA

Hinman v. Montana State Fund

175 P.3d 304 (Mont. 2007) · No. DA 07-0053 · Decided October 30, 2007

SUMMARY

The Montana Supreme Court affirmed the Workers' Compensation Court's denial of Richard D. Hinman's claim for benefits for chronic obstructive pulmonary disease. The court held that substantial evidence supported the finding that Hinman failed to establish that chemical exposure during his three-month employment caused his COPD, particularly in light of medical evidence attributing the condition to smoking. The memorandum decision was designated noncitable under the Montana Supreme Court's internal operating rules.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Brian Morris; Karla M. Gray; James C. Nelson; Jim Rice; John Warner
JURISDICTION	Montana
DECIDED	October 30, 2007
DOCKET	DA 07-0053
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hinman appealed the Montana Workers' Compensation Court's judgment denying his claim for workers' compensation benefits.
STANDARD OF REVIEW	The court reviews Workers' Compensation Court findings and conclusions for substantial evidence, does not substitute its judgment regarding the weight of evidence on factual questions, and reviews legal conclusions for correctness.
PRECEDENTIAL VALUE	nonprecedential memorandum decision
PARTIES	Richard D. Hinman v. Montana State Fund

TOPICS

- workers compensation
- standard of review
- appellate procedure
- insurance

PRACTICE AREAS

- workers compensation
- insurance
- appellate procedure

QUESTIONS PRESENTED

1. Whether substantial evidence supported the Workers' Compensation Court's finding that Hinman failed to prove that his employment-related chemical exposure caused his COPD.
2. Whether the Workers' Compensation Court correctly denied Hinman's claim for workers' compensation benefits.

HOLDINGS

1. The Workers' Compensation Court's findings and judgment denying benefits were supported by substantial evidence and were affirmed.
2. The Workers' Compensation Court correctly interpreted and applied settled Montana law to deny Hinman's claim.

KEY QUOTATIONS

“We will not overturn a decision of the Workers' Compensation Court where substantial evidence supports it.” (¶6)

“We affirm the Judgment of the Workers' Compensation Court.” (¶7)

FACTUAL BACKGROUND

Hinman worked as an auto mechanic, body repairer, welder, and painter for Specialized Automotive from May through August 2003. He was diagnosed with chronic obstructive pulmonary disease in January 2005 and attributed the condition to chemical exposure at work. His treating doctors did not opine on causation, while an independent medical examiner concluded that Hinman's approximately two-pack-per-day, twenty-year smoking history was the proximate cause of his COPD and that imaging showed no objective evidence of another cause.

PROCEDURAL HISTORY

Hinman sought workers' compensation benefits based on his claim that exposure to chemicals during approximately three months of employment caused his COPD. The Workers' Compensation Court entered findings of fact, conclusions of law, and judgment denying the claim on January 5, 2007. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Wood v. Consolidated Freight Ways, Inc., 248 Mont. 26, 808 P.2d 502 (1991)
- Stordalen v. Ricci's Food Farm, 261 Mont. 256, 862 P.2d 393 (1993)

OPINION

PER CURIAM.

RICHARD D. HINMAN, Petitioner and Appellant, v. MONTANA STATE FUND, Respondent, Insurer and Appellee. No. DA 07-0053. Supreme Court of Montana. Submitted on Briefs: October 17, 2007. Decided: October 30, 2007. For Appellant: Richard D. Hinman (Pro Se), Livingston, Montana For Appellee: Kevin Braun, Assistant Attorney General, Helena, Montana Justice Brian Morris delivered the Opinion of the Court. ¶1 Pursuant to Section I, Paragraph 3(d)(v), Montana Supreme Court 1996 Internal Operating Rules, as amended in 2003, the following memorandum decision shall not be cited as precedent. It shall be filed as a public document with the Clerk of the Supreme Court and its case title, Supreme Court cause number and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Report. ¶2 Appellant Richard D. Hinman (Hinman) appeals from the Findings of Fact, Conclusions of Law, and Judgment entered in the Workers' Compensation Court of the State of Montana, denying him workers' compensation benefits. We affirm. ¶3 Hinman worked as an auto mechanic, body repairer, welder, and painter for Specialized Automotive from May 2003 through August 2003. Approximately eighteen months later, on January 28, 2005, Rebecca Canner, M.D., diagnosed Hinman with chronic obstructive pulmonary disease (COPD). Hinman believed that his development of COPD related to his exposure to chemicals during his time of employment at Specialized Automotive. Dr. Canner and two other doctors conducted further evaluations and tests on Hinman during February and March of 2005. None of the doctors offered an opinion regarding the cause of Hinman's COPD. The doctors merely reported a history of exposure to toxic chemicals as provided by Hinman. ¶4 Hinman filed a claim for workers' compensation benefits. Montana State Fund, the insurer for Specialized Automotive, requested that John Schumpert, M.D., perform an independent medical examination on Hinman. Dr. Schumpert reviewed the medical records provided by Hinman, took a medical history from Hinman, and performed a physical examination. Hinman revealed in his medical history that he had smoked approximately two packs of cigarettes a day for the last twenty years. Dr. Schumpert concluded that Hinman's smoking was the proximate cause of Hinman's COPD. Dr. Schumpert noted that the high resolution CT scan failed to reveal objective evidence of any other causes of his current pulmonary complaints. The Workers' Compensation Court entered Findings of Fact, Conclusions of Law, and Judgment denying Hinman's claim for workers' compensation benefits on January 5, 2007. Hinman appeals. ¶5 Hinman, appearing pro se, argues that his exposure to unspecified toxic chemicals during his brief employment with Specialized Automotive caused him to contract COPD. Montana State Fund counters that Hinman failed to carry his burden of proof in establishing that his three-month employment stint at Specialized Automotive caused his COPD condition. ¶6 We review a decision of the Workers' Compensation Court to determine whether substantial evidence supports the findings and conclusions of that court. *Wood v. Consolidated Freight Ways, Inc.*, 248 Mont. 26, 28, 808 P.2d 502, 504 (1991). We do not substitute our

judgment for that of the trial court as to the weight of the evidence on questions of fact. Wood, 248 Mont. at 28, 808 P.2d at 504. We will not overturn a decision of the Workers' Compensation Court where substantial evidence supports it. Wood, 248 Mont. at 28, 808 P.2d at 504. We review the legal conclusions reached by the Workers' Compensation Court to determine whether the conclusions are correct. Stordalen v. Ricci's Food Farm, 261 Mont. 256, 258, 862 P.2d 393, 394 (1993). We have determined to decide this case pursuant to Section I, Paragraph 3(d), of our 1996 Internal Operating Rules, as amended in 2003, that provide for memorandum opinions. It is manifest on the face of the briefs and the record before us that substantial evidence supports the Workers' Compensation Court's Findings of Fact, and that the legal issues are clearly controlled by settled Montana law and that the Workers' Compensation Court correctly interpreted it. ¶7 We affirm the Judgment of the Workers' Compensation Court. JUSTICES KARLA M. GRAY, JAMES C. NELSON, JIM RICE, JOHN WARNER, concur.