

SUPREME COURT OF OKLAHOMA

Multiple Injury Trust Fund v. Wiggins

2017 OK 76 (Okla. 2017) · No. 114584 · Decided September 26, 2017

SUMMARY

The Oklahoma Supreme Court held that a Crumby finding of preexisting disability does not qualify a claimant as a physically impaired person under 85 O.S. 2011 § 402(A)(4) for purposes of Multiple Injury Trust Fund liability. The court interpreted the statutory proviso as permitting combination of same-body-part Crumby disability only when the claimant is otherwise qualified through a previous adjudication of disability. The court vacated the Court of Civil Appeals opinion and the Multiple Injury Trust Fund award.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Reif, J.; Gurich, V.C.J.; Kauger, J.; Watt, J.; Edmondson, J.; Colbert, J.; Combs, C.J.; Winchester, J.; Wyrick, J.
JURISDICTION	Oklahoma
DECIDED	September 26, 2017
DOCKET	114584
DISPOSITION	vacated
PROCEDURAL POSTURE	Certiorari review of a decision by the Oklahoma Court of Civil Appeals in a workers' compensation proceeding.
STANDARD OF REVIEW	Certiorari review of the interpretation and application of 85 O.S. 2011, § 402(A)(4).
PRECEDENTIAL VALUE	precedential
PARTIES	Multiple Injury Trust Fund v. Maggie Wiggins, Workers' Compensation Court of Existing Claims

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the same-body-part proviso in 85 O.S. 2011, § 402(A)(4), permits a Crumby finding of preexisting disability to establish that a claimant is a physically impaired person eligible for Multiple Injury Trust Fund compensation.
2. Whether the proviso permits an otherwise qualified physically impaired person to combine Crumby disability with disability from the last injury when both involve the same body part.

HOLDINGS

1. A Crumby finding is not a previous adjudication of disability that qualifies a claimant as a physically impaired person for purposes of recovery from the Multiple Injury Trust Fund.
2. The same-body-part proviso permits an injured worker who is otherwise qualified as a physically impaired person to combine Crumby preexisting disability with disability from the last injury when the disabilities involve the same body part.
3. Wiggins was not a physically impaired person at the time of her job-related injury because her only qualifying preexisting disability evidence was a Crumby finding made in the same proceeding; consequently, the MITF award was vacated.

KEY QUOTATIONS

“The proviso did not change the exclusion of Crumby findings as “previous adjudications of disability.”” (¶ 8)

“Upon certiorari review, we likewise hold Ms. Wiggins was not a physically impaired person at the time of her job-related injury and vacate the award against MITF.” (¶ 10)

FACTUAL BACKGROUND

Wiggins sustained a job-related back injury in September 2011. In the same proceeding, the Workers' Compensation Court made a Crumby finding of preexisting back disability and adjudicated disability resulting from the job-related injury. The court combined the two disabilities and awarded permanent total disability against the Multiple Injury Trust Fund.

PROCEDURAL HISTORY

The Workers' Compensation Court of Existing Claims found that Maggie Wiggins was a physically impaired person based on a Crumby finding of preexisting back disability made in the same proceeding as the adjudication of her job-related back injury and awarded permanent total disability against the Multiple Injury Trust Fund. The Court of Civil Appeals vacated the award, holding that a Crumby finding could be combined with the last-injury disability only when the claimant had otherwise established physically impaired person status through a qualifying prior adjudication. The Supreme Court granted certiorari to resolve the statutory interpretation issue and vacated both the Court of Civil Appeals opinion and the MITF award.

DISPOSITION

vacated

CASES CITED

- J.C. Penny Co. v. Crumby, 1978 OK 80, 584 P.2d 1325
- Ball v. Multiple Injury Trust Fund, 2015 OK 64, 360 P.3d 499
- Multiple Injury Trust Fund v. Mackey, 2017 OK 75
- Multiple Injury Trust Fund v. Mackey, 2017 OK 75, ¶ 8

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