

WYOMING SUPREME COURT

Hicks v. State ex rel. Wyoming Workers' Safety & Compensation
Division

105 P.3d 462 (Wyo. 2005) · Decided February 4, 2005

SUMMARY

The Wyoming Supreme Court affirmed the denial of workers’ compensation benefits for Irene Hicks’s 2001 spinal fusion surgery. The court held that substantial evidence supported the Medical Commission’s finding that Hicks’s 1998 work-related back injury had resolved before the surgery and that her later symptoms were attributable to a preexisting condition. The court also upheld the Commission’s credibility determinations and weighing of conflicting medical opinions.

CASE DETAILS

COURT	Wyoming Supreme Court
WRITING FOR THE COURT	Hill, Chief Justice; Golden; Hill; Kite; Lehman; Voigt
JURISDICTION	Wyoming
DECIDED	February 4, 2005
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hicks appealed the district court's affirmance of a Wyoming Workers' Compensation Medical Commission decision denying medical benefits for her September 2001 spinal fusion surgery.
STANDARD OF REVIEW	The Supreme Court reviewed the appeal as if it came directly from the administrative agency. Because both parties presented evidence and the Medical Commission made factual findings, the court applied the substantial-evidence standard, deferring to factual findings supported by substantial evidence and according no special deference to conclusions of law. Credibility determinations were reviewed for whether they were contrary to the great weight of the evidence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Irene Hicks v. State ex rel. Wyoming Workers' Safety & Compensation Division

TOPICS

workers compensation

administrative law

judicial review of agency action

standard of review

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether substantial evidence supported the Medical Commission's finding that Hicks's September 2001 spinal fusion was not causally related to her July 1998 work injury.
2. Whether the Medical Commission improperly determined Hicks's credibility, weighed conflicting medical opinions, and relied on the Division's medical expert.
3. Whether Hicks's due process rights were violated by the Medical Commission's treatment of evidence concerning previously paid benefits.

HOLDINGS

1. The Medical Commission's determination that Hicks failed to prove that her September 2001 surgery was causally related to her July 1998 work injury was supported by substantial evidence and was affirmed.
2. The Medical Commission did not err in finding Hicks not credible or in assigning greater weight to the Division's medical evidence than to the opinions of Hicks's treating physicians.
3. Hicks failed to present a cogent, properly supported constitutional argument, and the court declined to consider the asserted due process claim.

KEY QUOTATIONS

"We afford respect and deference to a hearing examiner's findings of fact if they are supported by substantial evidence." (at 469)

"The Medical Commission, as the trier of fact, is assigned the task of determining the credibility of the witnesses and weighing the evidence." (at 470)

"Hicks failed to prove by a preponderance of the evidence that her surgery was causally related to her work injury." (at 472)

FACTUAL BACKGROUND

Hicks sustained a work-related back injury while lifting a patient on July 1, 1998, against a background of congenital spondylolysis and a prior 1997 back injury. Her condition appeared to improve during physical therapy in early 1999, after which she stopped treatment and had no documented back treatment for nearly a year. Back pain later recurred, and she underwent an L5-S1 fusion in September 2001. Her treating physicians attributed the surgery to the 1998 injury, while the Division's medical expert concluded that the injury had resolved and that her congenital condition and obesity caused the later symptoms.

PROCEDURAL HISTORY

The Wyoming Workers' Safety and Compensation Division denied medical benefits for the surgery, concluding that the claimed condition was preexisting and not compensable. After a contested case hearing, the Medical Commission found that Hicks's 1998 work-related injury had resolved and that she failed to prove causation. The district court affirmed the Medical Commission, and the Wyoming Supreme Court affirmed the district court.

DISPOSITION

affirmed

CASES CITED

- Salas v. General Chemical, 2003 WY 79, 71 P.3d 708 (Wyo. 2003)
- In re Worker's Compensation Claim of Johnson, 2001 WY 48, 23 P.3d 32 (Wyo. 2001)
- Newman v. Wyoming Workers' Safety and Compensation Division, 2002 WY 91, 49 P.3d 163 (Wyo. 2002)
- Haagensen v. State ex rel. Workers' Compensation Division, 949 P.2d 865, 867 (Wyo. 1997)
- State ex rel. Wyoming Workers' Compensation Division v. Waggener, 946 P.2d 808, 814 (Wyo. 1997)
- State ex rel. Workers' Compensation Division v. Barker, 978 P.2d 1156, 1159 (Wyo. 1999)
- Hermosillo v. State ex rel. Wyoming Workers' Safety and Compensation Division, 2002 WY 175, 58 P.3d 924, 926 (Wyo. 2002)
- Matter of Gorman, 909 P.2d 966, 970 (Wyo. 1996)
- Matter of Claim of Fortier, 910 P.2d 1356, 1358 (Wyo. 1996)
- Matter of Injury to Carpenter, 736 P.2d 311, 312 (Wyo. 1987)
- Romero v. Davy McKee Corp., 854 P.2d 59, 61 (Wyo. 1993)
- Lindbloom v. Teton International, 684 P.2d 1388, 1390 (Wyo. 1984)
- State ex rel. Wyoming Workers' Compensation Division v. Roggenbuck, 938 P.2d 851, 853 (Wyo. 1997)
- Frazier v. State ex rel. Wyoming Workers' Safety and Compensation Division, 997 P.2d 487, 490 (Wyo. 2000)
- Hall v. State ex rel. Wyoming Workers' Compensation Division, 2001 WY 136, 37 P.3d 373, 378 (Wyo. 2001)
- In re Pino, 996 P.2d 679, 685 (Wyo. 2000)
- Brees v. Gulley Enterprises, Inc., 6 P.3d 128, 131 (Wyo. 2000)
- Robbins v. State ex rel. Wyoming Workers' Safety and Compensation Division, 2003 WY 29, 64 P.3d 729 (Wyo. 2003)
- Hurley v. PDQ Transport, Inc., 6 P.3d 134, 138 (Wyo. 2000)
- Helm v. State ex rel. Wyoming Workers' Safety and Compensation Division, 982 P.2d 1236, 1237 (Wyo. 1999)
- Morgan v. Olsten Temporary Services, 975 P.2d 12, 15-16 (Wyo. 1999)
- Forni v. Pathfinder Mines, 834 P.2d 688, 693 (Wyo. 1992)
- Matter of Workers' Compensation Claim of Thornberg, 913 P.2d 863, 867 (Wyo. 1996)

- Matter of Goddard, 914 P.2d 1233, 1237 (Wyo. 1996)
- Latimer v. Rissler & McMurry Co., 902 P.2d 706, 711 (Wyo. 1995)
- Boyce v. State ex rel. Workers' Safety and Compensation Division, 2005 WY 9 (Wyo. 2005)
- Tenorio v. State ex rel. Wyoming Workers' Compensation Division, 931 P.2d 234, 239 (Wyo. 1997)
- Dobson v. Stahla, 2003 WY 6N, 63 P.3d 209 (Wyo. 2003)

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