

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Sandra Riffe, Widow of Edgar Riffe v. West Virginia Office of Insurance Commissioner/Rocky I, Inc.

Riffe · No. No. 13-0800 · Decided October 20, 2014

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the denial of Sandra Riffe's request for dependent's workers' compensation benefits following her husband's death. The court agreed that the evidence did not establish that occupational pneumoconiosis was a material contributing factor in his death.

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 Menis E. Ketchum; Justice Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	October 20, 2014
DOCKET	No. 13-0800
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner's appeal from the West Virginia Workers' Compensation Board of Review's final order affirming the denial of dependent's workers' compensation benefits.
STANDARD OF REVIEW	The court affirmed unless the Board of Review's decision was in clear violation of a constitutional or statutory provision, clearly the result of erroneous conclusions of law, or based upon a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	memorandum decision; precedential status not stated in the opinion text
PARTIES	Sandra Riffe, widow of Edgar Riffe v. West Virginia Office of Insurance Commissioner, Rocky I, Inc.

TOPICS

administrative law

judicial review of agency action

standard of review

appellate procedure

insurance

PRACTICE AREAS

workers' compensation

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether the Workers' Compensation Board of Review clearly violated a constitutional or statutory provision, made an erroneous conclusion of law, or materially misstated or mischaracterized the evidentiary record in affirming the denial of dependent's benefits.
2. Whether the evidence established that occupational pneumoconiosis was a material, contributing factor in Edgar Riffe's death.

HOLDINGS

1. The Board of Review's decision affirming denial of dependent's benefits was not in clear violation of a constitutional or statutory provision, was not clearly the result of an erroneous conclusion of law, and was not based on a material misstatement or mischaracterization of the evidentiary record.

KEY QUOTATIONS

“The Court has carefully reviewed the records, written arguments, and appendices contained in the briefs, and the case is mature for consideration.” (at 1)

“For these reasons, a memorandum decision is appropriate under Rule 21 of the Rules of Appellate Procedure.” (at 1)

“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.” (at 4)

FACTUAL BACKGROUND

Edgar Riffe, a coal miner who had also smoked for many years, died on May 14, 2007, after suffering chronic lung disease, congestive heart failure, pneumonia, and other serious medical conditions. His widow sought dependent's benefits, asserting that occupational pneumoconiosis materially contributed to his death. Medical evidence conflicted: some physicians attributed his respiratory problems or death to occupational exposure, while the Occupational Pneumoconiosis Board and Dr. Joseph Tomashefski found no occupational pneumoconiosis or concluded that any simple pneumoconiosis did not materially contribute to his death. The lower tribunals credited the latter evidence and denied benefits.

PROCEDURAL HISTORY

The claims administrator denied Sandra Riffe's request for dependent's benefits on February 23, 2009. The Workers' Compensation Office of Judges affirmed on October 26, 2012, and the Workers' Compensation Board

of Review affirmed that decision on July 5, 2013. The Supreme Court of Appeals of West Virginia reviewed the Board's decision and affirmed it in a memorandum decision.

DISPOSITION

affirmed

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