

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Sandra L. Williams v. Alcan Rolled Products–Ravenswood, LLC

Williams v. Alcan Rolled Products–Ravenswood · No. No. 13-0872 (BOR Appeal No. 2047922) (Claim No. 2010112351) · Decided October 8, 2014

SUMMARY

The West Virginia Supreme Court of Appeals affirmed the Board of Review’s decision upholding closure of Sandra L. Williams’s workers’ compensation vocational rehabilitation benefits. The court concluded that Williams failed to comply with her rehabilitation plan and was not entitled to additional training or benefits.

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 8, 2014
DOCKET	No. 13-0872 (BOR Appeal No. 2047922) (Claim No. 2010112351)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner's appeal from the West Virginia Workers' Compensation Board of Review's order affirming the Office of Judges' order, which affirmed the claims administrator's closure of her vocational rehabilitation benefits.
STANDARD OF REVIEW	The court reviewed whether the Board of Review's decision was in clear violation of a constitutional or statutory provision, clearly resulted from erroneous conclusions of law, or was based on a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Unpublished memorandum decision
PARTIES	Sandra L. Williams v. Alcan Rolled Products–Ravenswood, LLC

TOPICS

- workers compensation
- administrative law
- appellate procedure
- standard of review

PRACTICE AREAS

workers compensation

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether the Board of Review erred in affirming the closure or suspension of Williams's vocational rehabilitation benefits.
2. Whether Williams was entitled to additional schooling or retraining because of her compensable injury.

HOLDINGS

1. The Board of Review properly affirmed the closure of Williams's vocational rehabilitation benefits because she failed to comply with the requirements of her rehabilitation plan and did not make satisfactory progress toward obtaining alternative employment.
2. Williams was not entitled to additional schooling or training because suitable jobs were available in her geographic area and additional training was unlikely to result in placement in suitable gainful employment.

KEY QUOTATIONS

“Ms. Williams did not demonstrate that she is entitled to any additional vocational rehabilitation benefits.”
(2)

“Considering that there were suitable jobs in her geographic area, Ms. Williams was not entitled to additional schooling or training because of her compensable injury.” (2)

FACTUAL BACKGROUND

Williams was injured by a forklift while working for Alcan Rolled Products and was awarded workers' compensation vocational rehabilitation benefits after a psychologist determined that she could not return to her former employment because of post-traumatic stress syndrome. Her rehabilitation plan required her to contact fifteen employers each week and provide job-search logs. After ninety days, the rehabilitation provider reported that Williams had failed to submit several weeks of logs and had not made sufficient efforts to seek employment. The claims administrator then closed her vocational rehabilitation services.

PROCEDURAL HISTORY

After Williams's workers' compensation claim was held compensable, she received vocational rehabilitation benefits and a ninety-day job-search plan. The claims administrator closed vocational rehabilitation services on April 20, 2012, after finding that Williams had not complied with the job-search and reporting requirements. The Office of Judges affirmed on November 15, 2012, and the Board of Review affirmed on July 31, 2013. The Supreme Court of Appeals affirmed the Board's decision.

DISPOSITION

affirmed

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