

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Chateau Grove, Inc. v. Cynthia Holland

Chateau Grove, Inc. v. Holland, No. 18-0024 (W. Va. May 21, 2018) · No. No. 18-0024 · Decided May 21, 2018

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed a decision ordering a vocational rehabilitation evaluation for Cynthia Holland, an injured licensed practical nurse, rather than immediately granting or denying retraining benefits. The court concluded that the employer had not established that its proposed light-duty position accommodated Holland’s restrictions and that the vocational rehabilitation hierarchy should be assessed by a qualified evaluator.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Margaret L. Workman; Justice Robin J. Davis; Justice Menis E. Ketchum; Justice Allen H. Loughry II; Justice Elizabeth D. Walker
JURISDICTION	West Virginia
DECIDED	May 21, 2018
DOCKET	No. 18-0024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Chateau Grove appealed the West Virginia Workers’ Compensation Board of Review’s affirmance of an Office of Judges order modifying the claims administrator’s denial of vocational rehabilitation and retraining 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 the result of erroneous conclusions of law, or based on a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Published memorandum decision with limited precedential value under West Virginia appellate practice
PARTIES	Chateau Grove, Inc. v. Cynthia Holland

TOPICS

workers compensation

administrative law

appellate procedure

standard of review

employment law

PRACTICE AREAS

workers compensation

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administrative law

QUESTIONS PRESENTED

1. Whether the Board of Review properly affirmed an order directing a vocational rehabilitation evaluation under the hierarchy of vocational rehabilitation benefits rather than granting retraining immediately.
2. Whether the Board of Review's decision was clearly erroneous, legally erroneous, constitutionally or statutorily invalid, or based on a material misstatement or mischaracterization of the evidentiary record.

HOLDINGS

1. Holland was not entitled to automatic advancement to retraining because she had not established that the vocational rehabilitation priorities preceding retraining were not viable. The proper disposition was referral to a qualified vocational evaluator to work through the hierarchy of vocational benefits.
2. The Board of Review did not err in affirming the Office of Judges' modification of the claims administrator's decision.

KEY QUOTATIONS

"The facts and legal arguments are adequately presented, and the decisional process would not be significantly aided by oral argument." (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 2)

FACTUAL BACKGROUND

Cynthia Holland, a licensed practical nurse, injured her neck and back while lifting a patient on July 9, 2015, and her workers' compensation claim was held compensable for a cervical sprain and cervical herniation. After cervical surgery, medical and functional-capacity evaluations limited her to sedentary or light work and concluded that she could not perform her pre-injury licensed practical nurse position. Chateau Grove offered Holland a purported light-duty position, but she declined it because the duties allegedly required her to push 100-pound medication carts. The Office of Judges determined that the employer had not rebutted that assertion and ordered a vocational evaluation to determine which rehabilitation priority was appropriate.

PROCEDURAL HISTORY

The claims administrator denied Holland's request for vocational rehabilitation and retraining on July 29, 2016. The Office of Judges modified that decision on May 9, 2017, ordering a referral to a vocational rehabilitation professional to evaluate the hierarchy of rehabilitation options rather than automatically granting retraining. The Board of Review affirmed on September 29, 2017, and the Supreme Court of Appeals affirmed the Board's decision.

DISPOSITION

affirmed

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