

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Shawn D. Burns v. Cheddar's Operations, LLC

Burns · No. No. 12-0266 · Decided November 20, 2013

SUMMARY

The Supreme Court of Appeals of West Virginia reversed and remanded a workers’ compensation decision denying Shawn D. Burns’s claim for injuries sustained when he tripped and fell while working as a dishwasher at Cheddar’s Operations, LLC. The court held that the evidence sufficiently established a personal injury received in the course of and resulting from his employment under West Virginia Code § 23-4-1(a), and found the Board of Review’s decision to be the result of an erroneous conclusion of law.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per Curiam; Chief Justice Brent D. Benjamin; Justice Robin J. Davis; Justice Menis E. Ketchum; Justice Margaret L. Workman; Justice Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	November 20, 2013
DOCKET	No. 12-0266
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Claimant appealed the West Virginia Workers' Compensation Board of Review's affirmance of an order denying workers' compensation benefits.
STANDARD OF REVIEW	The court reviewed the Board of Review's decision and determined that it was clearly the result of an erroneous conclusion of law.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Shawn D. Burns v. Cheddar's Operations, LLC

TOPICS

- workers compensation
- agency adjudication
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence established that Burns sustained a personal injury in the course of and resulting from his employment under West Virginia Code § 23-4-1(a).
2. Whether the Workers' Compensation Board of Review clearly erred in concluding that Burns had not proved a compensable injury.

HOLDINGS

1. A claimant establishes compensability by showing a personal injury received in the course of employment and resulting from the employment. Burns's evidence satisfied those requirements because he was found injured on the restaurant floor while performing his employment duties and was diagnosed with multiple sprains shortly thereafter.
2. The Board of Review's decision denying benefits was clearly the result of an erroneous conclusion of law.

KEY QUOTATIONS

“For Mr. Burns’s claim to be held compensable under West Virginia Code § 23-4-1(a), he must show (1) a personal injury; (2) received in the course of his employment; and (3) resulting from the employment.” (1)

“This evidence is sufficient to conclude that Mr. Burns was injured while performing his duties in the course of his employment.” (2)

FACTUAL BACKGROUND

On September 18, 2010, Burns was working as a dishwasher for Cheddar's Operations when he tripped and fell in the dish room over either a drain or dishes. Managers heard a crash and found him lying on the floor with pans or dishes on his ankle and body. He sought medical treatment the next day and was diagnosed with right hip, right ankle, lumbar, thoracic, and cervical sprains; his ankle was placed in an air cast. Although later medical evidence identified degenerative changes and no acute injury on x-rays, an independent medical examiner opined that Burns had recovered from soft-tissue injuries and that a cervical MRI was reasonable.

PROCEDURAL HISTORY

The claims administrator denied Burns's application for workers' compensation benefits on October 18, 2010. The Workers' Compensation Office of Judges affirmed the denial on August 12, 2011, and the Board of Review affirmed on February 21, 2012. The Supreme Court of Appeals of West Virginia reversed the Board's decision and remanded with a finding of compensability.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded with a finding that Burns's claim was compensable.

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