

SUPREME COURT OF APPEALS OF WEST VIRGINIA

William M. Savina v. Homer Laughlin China Company

Savina · No. No. 12-1102 (BOR Appeal No. 2046804) (Claim No. 2008022653) · Decided April 2, 2014

SUMMARY

The West Virginia Supreme Court of Appeals affirmed a Workers’ Compensation Board of Review decision awarding William M. Savina 12% permanent partial disability for bilateral carpal tunnel syndrome. The court held that the Board properly relied on the most credible medical opinion and found no clear legal or factual error.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per curiam; 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	April 2, 2014
DOCKET	No. 12-1102 (BOR Appeal No. 2046804) (Claim No. 2008022653)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Claimant appealed the West Virginia Workers’ Compensation Board of Review’s order affirming a decision awarding him 12% permanent partial disability for bilateral carpal tunnel syndrome.
STANDARD OF REVIEW	The Board of Review’s decision is upheld unless it clearly violates a constitutional or statutory provision, is clearly the result of erroneous conclusions of law, or is based on a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Memorandum decision; the opinion states that it is issued under West Virginia Rule of Appellate Procedure 21.
PARTIES	William M. Savina v. Homer Laughlin China Company

TOPICS

- workers compensation
- appellate procedure
- standard of review

PRACTICE AREAS

workers compensation

employment law

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether the Workers' Compensation Board of Review properly affirmed a 12% permanent partial disability award for Savina's bilateral carpal tunnel syndrome.
2. Whether the Board of Review's decision was clearly erroneous, legally erroneous, constitutionally or statutorily impermissible, or based on a material misstatement or mischaracterization of the evidentiary record.

HOLDINGS

1. The Board of Review properly affirmed a 12% permanent partial disability award because the preponderance of the evidence supported Dr. Langa's credible medical assessment.
2. A Board of Review decision will be affirmed when it does not clearly violate a constitutional or statutory provision, clearly result from an erroneous conclusion of law, or rest on a material misstatement or mischaracterization of the evidentiary record.

KEY QUOTATIONS

"Upon consideration of the standard of review, the briefs, and the record presented, the Court finds no substantial question of law and no prejudicial error." (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." (2)

FACTUAL BACKGROUND

William M. Savina worked as a packer for Homer Laughlin China Company and performed repetitive work for nearly forty years. He developed bilateral carpal tunnel syndrome, underwent surgery in March 2010, and later received conflicting impairment evaluations. One physician found 0% impairment, another found 23%, and Dr. Victoria Langa found 12% impairment using the applicable American Medical Association Guides methodology; the lower tribunals credited Dr. Langa's opinion.

PROCEDURAL HISTORY

The claims administrator granted Savina a 0% permanent partial disability award and closed the claim on a permanent partial disability basis. The Workers' Compensation Office of Judges reversed and awarded 12% impairment, and the Board of Review affirmed that decision on August 30, 2012. The Supreme Court of Appeals reviewed the Board's order and affirmed.

DISPOSITION

affirmed

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