

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Bruce D. Angeli v. Mountain Mission, Inc.

Angeli v. Mountain Mission · No. No. 15-1046 · Decided September 30, 2016

SUMMARY

The West Virginia Supreme Court of Appeals affirmed the Board of Review's decision rejecting Bruce D. Angeli's workers' compensation claim. The court concluded that the evidence did not establish that Angeli sustained a compensable back injury in the course of his employment on June 6, 2014. The court issued the decision as a memorandum decision under Rule 21 of the West Virginia Rules of Appellate Procedure.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Menis E. Ketchum; Robin J. Davis; Brent D. Benjamin; Margaret L. Workman; Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	September 30, 2016
DOCKET	No. 15-1046
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner's appeal from the West Virginia Workers' Compensation Board of Review's final order affirming the Office of Judges' order affirming rejection of his workers' compensation claim.
STANDARD OF REVIEW	The court determined 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, and whether there was prejudicial error.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Bruce D. Angeli v. Mountain Mission, Inc.

TOPICS

workers compensation

administrative procedure act

judicial review of agency action

appellate procedure

standard of review

PRACTICE AREAS

Workers' compensation

Administrative law

Appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence established that Angeli sustained a compensable injury in the course of his employment on June 6, 2014.
2. Whether the Workers' Compensation Board of Review's affirmance of the claim rejection was clearly erroneous, legally erroneous, constitutionally infirm, or based on a material misstatement or mischaracterization of the evidentiary record.

HOLDINGS

1. Angeli failed to establish that a compensable injury occurred in the course of his employment.
2. The Board of Review's decision was not in clear violation of a constitutional or statutory provision, was not clearly the result of erroneous conclusions of law, and was not based on a material misstatement or mischaracterization of the evidentiary record.

KEY QUOTATIONS

"Mr. Angeli has failed to show that a compensable injury occurred in the course of his employment." (at 3)

"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 3)

FACTUAL BACKGROUND

Bruce D. Angeli, a furniture salesperson, alleged that he injured his lower back while lifting a couch at work on June 6, 2014. Medical records documented back pain and a back strain, but also noted no specific trauma and revealed preexisting degenerative changes. Employer personnel and coworkers stated that Angeli was on light duty for unrelated hernia and gastroesophageal reflux disease concerns, did not perform his regular duties, and did not report a work-related injury that day. The administrative tribunals found that the totality of the evidence did not establish a compensable workplace injury.

PROCEDURAL HISTORY

The claims administrator rejected Angeli's claim on July 25, 2014. The Workers' Compensation Office of Judges affirmed that decision on April 7, 2015, and the Workers' Compensation Board of Review affirmed it on September 29, 2015. The Supreme Court of Appeals of West Virginia affirmed the Board of Review.

DISPOSITION

affirmed

