

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Frederick Boggs v. United Coal Company, LLC

No. 21-0581 (BOR Appeal No. 2056183) (Claim No. 2021004674) · No. No. 21-0581 (BOR Appeal No. 2056183) (Claim No. 2021004674) · Decided April 5, 2023

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the denial of Frederick Boggs's workers' compensation claim for a left shoulder injury allegedly sustained at work. The court concluded that Boggs's accounts of the injury were inconsistent, medical records showed preexisting shoulder issues, and no physician attributed the condition to an occupational injury.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per curiam; Chief Justice Elizabeth D. Walker; Justice Tim Armstead; Justice John A. Hutchison; Justice William R. Wooton; Justice C. Haley Bunn
JURISDICTION	West Virginia
DECIDED	April 5, 2023
DOCKET	No. 21-0581 (BOR Appeal No. 2056183) (Claim No. 2021004674)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner's appeal from the West Virginia Workers' Compensation Board of Review's affirmance of the Office of Judges' order affirming rejection of his workers' compensation claim.
STANDARD OF REVIEW	Under W. Va. Code § 23-5-15, the Court defers to the Board of Review's findings, reasoning, and conclusions. When the Board affirms prior rulings by the commission and Office of Judges on the same issue, reversal or modification is permitted only for a clear constitutional or statutory violation, clearly erroneous conclusions of law, or material misstatement or mischaracterization of the evidentiary record; the Court may not reweigh the evidence de novo. Questions of law are reviewed de novo.
PRECEDENTIAL VALUE	Published memorandum decision; precedential effect may be limited under West Virginia law governing memorandum decisions.
PARTIES	Frederick Boggs v. United Coal Company, LLC

TOPICS

workers compensation

standard of review

appellate procedure

administrative law

PRACTICE AREAS

Workers' compensation

Employment law

Administrative law

Appellate procedure

QUESTIONS PRESENTED

1. Whether Boggs established that his left-shoulder condition was a compensable personal injury received in the course of and resulting from his employment.
2. Whether the Board of Review's affirmance of the denial of the workers' compensation claim was clearly erroneous or otherwise subject to reversal under W. Va. Code § 23-5-15.

HOLDINGS

1. Boggs failed to meet his burden of proving that he sustained a work-related injury. The claim was therefore not compensable.
2. The Court affirmed the Board of Review because the record did not present a clear statutory or constitutional violation, an erroneous legal conclusion, or a material misstatement or mischaracterization of the evidence, and the Court could not conduct a de novo reweighing of the evidence.

KEY QUOTATIONS

“The court may not conduct a de novo reweighing of the evidentiary record” (1)

“Mr. Boggs failed to sustain his burden of proof establishing that he sustained a work-related injury.” (4)

FACTUAL BACKGROUND

Boggs alleged that he injured his left shoulder at work on September 9, 2020, while extending his arm to operate or start a drill and felt a pop. Subsequent medical records documented a partial-thickness supraspinatus tear and possible mild bursitis, but also reflected inconsistent accounts of whether a work injury occurred and several years of prior left-shoulder symptoms, including a 2012 MRI. No physician attributed the condition to an occupational injury, and the claims administrator rejected the claim.

PROCEDURAL HISTORY

The claims administrator rejected Boggs's claim on September 25, 2020. The Workers' Compensation Office of Judges affirmed on January 7, 2021, and the Board of Review affirmed on June 22, 2021. The Supreme Court of Appeals of West Virginia affirmed the Board's decision in a memorandum decision.

DISPOSITION

affirmed

CASES CITED

- Hammons v. W. Va. Off. of Ins. Comm'r, 235 W. Va. 577, 582-83, 775 S.E.2d 458, 463-64 (2015)
- Justice v. West Virginia Office Insurance Commission, 230 W. Va. 80, 83, 736 S.E.2d 80, 83 (2012)
- Davies v. W. Va. Off. of Ins. Comm'r, 227 W. Va. 330, 334, 708 S.E.2d 524, 528 (2011)
- Barnett v. State Workmen's Comp. Comm'r, 153 W. Va. 796, 172 S.E.2d 698 (1970)

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