

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Mechel Bluestone, Inc. v. Thomas Atwood

Mechel Bluestone · No. No. 14-0419 · Decided March 27, 2015

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed a Workers' Compensation Board of Review decision involving Thomas Atwood's left shoulder injury. The court held that a full-thickness left rotator cuff tear was causally related to the compensable workplace injury, authorized left shoulder arthroscopy, and upheld temporary total disability benefits from February 5, 2012, through November 19, 2012. 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	Chief Justice Margaret L. Workman; Justice Robin J. Davis; Justice Brent D. Benjamin; Justice Menis E. Ketchum; Justice Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	March 27, 2015
DOCKET	No. 14-0419
DISPOSITION	affirmed
PROCEDURAL POSTURE	Employer appealed the West Virginia Workers' Compensation Board of Review's affirmance of an Office of Judges order that added a full-thickness left rotator cuff tear as a compensable condition, authorized left shoulder arthroscopy, and awarded temporary total disability benefits.
STANDARD OF REVIEW	The Board of Review's decision was affirmed unless it violated a constitutional or statutory provision, resulted from erroneous conclusions of law, or was based on a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Nonprecedential memorandum decision
PARTIES	Mechel Bluestone, Inc. v. Thomas Atwood

TOPICS

workers compensation

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the full-thickness left shoulder rotator cuff tear was causally related to the compensable January 14, 2012, injury and should be added as a compensable condition.
2. Whether left shoulder arthroscopy was medically related and reasonably required to treat the compensable rotator cuff tear.
3. Whether Thomas Atwood was entitled to temporary total disability benefits from February 5, 2012, through November 19, 2012.
4. Whether the Board of Review's decision violated a constitutional or statutory provision, resulted from an erroneous conclusion of law, or rested on a material misstatement or mischaracterization of the evidentiary record.

HOLDINGS

1. The full-thickness tear of Atwood's left shoulder rotator cuff was causally related to the compensable January 14, 2012, injury and was properly added as a compensable condition.
2. Authorization of left shoulder arthroscopy was proper because the procedure was medically related and reasonably required to treat the compensable rotator cuff tear.
3. Atwood was entitled to temporary total disability benefits from February 5, 2012, through November 19, 2012, because the disability period was related to the compensable rotator cuff tear and authorized surgery.
4. The Board of Review's decision did not clearly violate a constitutional or statutory provision, result from an erroneous conclusion of law, or rest on a material misstatement or mischaracterization of the evidentiary record.

KEY QUOTATIONS

"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

Thomas Atwood, a miner for Mechel Bluestone, injured himself on January 14, 2012, when he slipped on a frozen rock. He experienced left shoulder pain and limited range of motion, with medical records also reflecting preexisting bursitis, degenerative joint disease, and shoulder pain. An MRI performed after the injury showed a full-thickness left rotator cuff tear. Medical evidence supported a causal relationship between the injury and the tear, although one physician attributed the tear to preexisting degeneration.

PROCEDURAL HISTORY

The claims administrator initially rejected the workers' compensation claim but the Office of Judges reversed that decision and held compensable a left shoulder contusion and right distal phalanx fracture. The claims administrator later denied adding the rotator cuff tear, denied authorization for arthroscopy, and closed temporary total disability benefits. On August 30, 2013, the Office of Judges reversed those decisions and awarded benefits from February 5, 2012, through November 19, 2012, subject to additional substantiation. The Board of Review affirmed on March 31, 2014, and the employer appealed to the Supreme Court of Appeals of West Virginia.

DISPOSITION

affirmed

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