

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Jacqueline D. Hoover v. W. Va. Office of Insurance
Commissioner/Ritchie Co. Bd. of Ed.

No. 11-0682 · No. No. 11-0682 · Decided February 7, 2013

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the Workers' Compensation Board of Review's denial of authorization for a cervical MRI. The court held that the evidence did not establish that the MRI was medically related and reasonably required for the compensable injury, which included a cervical sprain/strain.

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 Margaret L. Workman; Justice Menis E. Ketchum; Justice Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	February 7, 2013
DOCKET	No. 11-0682
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner's appeal from the West Virginia Workers' Compensation Board of Review's affirmance of an order denying authorization for a cervical MRI.
STANDARD OF REVIEW	The Court examined whether the Board of Review's decision was in clear violation of a constitutional or statutory provision, clearly resulted from erroneous conclusions of law, or was based upon a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Memorandum decision; no substantial question of law and no prejudicial error found.
PARTIES	Jacqueline D. Hoover v. West Virginia Office of Insurance Commissioner, Ritchie County Board of Education

TOPICS

workers compensation

administrative law

appellate procedure

standard of review

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Workers' Compensation Board of Review erred in affirming the denial of authorization for a cervical MRI.
2. Whether the evidence established that the requested cervical MRI was medically related to and reasonably required treatment for the compensable neck injury.

HOLDINGS

1. The Board of Review's decision affirming denial of authorization for the cervical MRI 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

“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.”

FACTUAL BACKGROUND

Jacqueline D. Hoover, a custodian for the Ritchie County Board of Education, suffered a work injury on May 8, 2002. Her workers' compensation claim was held compensable for lumbago, unspecified thoracic/lumbar neuritis, lumbar sprain/strain, and neck sprain/strain. In 2010, Dr. Shramowiat requested authorization for a cervical MRI, but the claims administrator denied the request because the evidence did not establish that the MRI was medically related to and reasonably required for the compensable injury; the evidence instead suggested degenerative disc disease and other non-compensable conditions.

PROCEDURAL HISTORY

The claims administrator denied petitioner's request for a cervical MRI on February 8, 2010. The Workers' Compensation Office of Judges affirmed that decision on September 3, 2010, and the Workers' Compensation Board of Review affirmed on April 4, 2011. The Supreme Court of Appeals of West Virginia reviewed the Board's final order and affirmed it.

DISPOSITION

affirmed

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