

SUPREME COURT OF APPEALS OF WEST VIRGINIA

St. Clair v. West Virginia University - BOR

St. Clair · No. 20-0535 · Decided October 4, 2021

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the denial of additional permanent partial disability benefits to John M. St. Clair for occupational pneumoconiosis. The court deferred to the Occupational Pneumoconiosis Board's determination that St. Clair had no more than the 15% impairment for which he had already been compensated, rejecting reliance on a conflicting pulmonary function study. The court concluded that the Board of Review was not clearly wrong and affirmed the decision.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Evan H. Jenkins; Justice Elizabeth D. Walker; Justice Tim Armstead; Justice John A. Hutchison; Justice William R. Wooton
JURISDICTION	West Virginia
DECIDED	October 4, 2021
DOCKET	20-0535
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the West Virginia Workers' Compensation Board of Review's affirmance of an Office of Judges decision affirming the claims administrator's denial of additional permanent partial disability benefits for occupational pneumoconiosis.
STANDARD OF REVIEW	Under W. Va. Code § 23-5-15, the court gives deference 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 in the same claim, reversal or modification is permitted only for a clear constitutional or statutory violation, clearly erroneous conclusions of law, or a 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; the opinion states that it is issued under Rule 21.

PARTIES

John M. St. Clair v. West Virginia Office of Insurance Commissioner,
West Virginia University - BOR

TOPICS

judicial review of agency action

standard of review

administrative law

appellate procedure

PRACTICE AREAS

workers' compensation

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether the Board of Review erred in affirming the denial of additional permanent partial disability benefits for occupational pneumoconiosis.
2. Whether the medical evidence, including a pulmonary study suggesting a higher impairment rating, established additional compensable impairment.

HOLDINGS

1. When the Board of Review affirms prior rulings by the commission and Office of Judges on the same issue in the same claim, the Supreme Court may reverse or modify only upon the statutory grounds identified in W. Va. Code § 23-5-15 and may not reweigh the evidentiary record de novo; legal questions are reviewed de novo.
2. The Occupational Pneumoconiosis Board is entitled to considerable deference in medical matters, and its clear and unequivocal determination that no additional whole-person impairment was attributable to occupational pneumoconiosis supported denial of additional benefits.
3. St. Clair was not entitled to additional permanent partial disability benefits because the evidence supported the finding that his prior 15% award fully compensated him for impairment related to occupational pneumoconiosis.

KEY QUOTATIONS

“The court may not conduct a de novo re-weighing of the evidentiary record.” (at 1)

“This Court has long recognized that, pursuant to the provisions of West Virginia Code §§ 23-4-6a, 23-4-8, and 23-4-8c(d), the OP Board is to be accorded considerable deference in medical matters.” (at 4)

“The Board of Review was not clearly wrong to affirm the finding that Mr. St. Clair has been fully compensated for permanent partial disability related to this claim.” (at 4)

FACTUAL BACKGROUND

John M. St. Clair, a retired electrician with approximately thirty-three years of dust exposure, had previously received a total 15% permanent partial disability award for occupational pneumoconiosis. After reopening his claim, the Occupational Pneumoconiosis Board concluded that he had no more than the previously recognized

15% pulmonary impairment. Although a later pulmonary study suggested a potentially higher impairment, the Occupational Pneumoconiosis Board questioned the study's validity because St. Clair exhaled for an unusually long period, and the Office of Judges and Board of Review accepted the Board's assessment.

PROCEDURAL HISTORY

The claims administrator denied additional permanent partial disability benefits on February 9, 2018, finding that St. Clair had already been fully compensated by a prior 15% award. The Workers' Compensation Office of Judges affirmed on March 9, 2020, and the Board of Review affirmed on June 18, 2020. The Supreme Court of Appeals reviewed the Board's decision and affirmed.

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)
- Fenton Art Glass Co. v. W. Va. Off. of the Ins. Comm'r, 222 W. Va. 420, 664 S.E.2d 761 (2008)