

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Crystal L. Samples v. Coastal Personnel

No. 21-0225 (BOR Appeal No. 2055731) (Claim No. 2020000552) · No. No. 21-0225 (BOR Appeal No. 2055731) (Claim No. 2020000552) · Decided October 18, 2022

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the denial of Crystal L. Samples’s workers’ compensation claim against Coastal Personnel. The court held that the evidence did not establish a new compensable injury on June 28, 2019, and that any claim based on a 2017 injury was untimely. The court also concluded that the evidence did not show that an aggravation of a preexisting condition resulted in a discrete new injury.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice John A. Hutchison; Justice Elizabeth D. Walker; Justice Tim Armstead; Justice William R. Wooton; Justice C. Haley Bunn
JURISDICTION	West Virginia
DECIDED	October 18, 2022
DOCKET	No. 21-0225 (BOR Appeal No. 2055731) (Claim No. 2020000552)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the West Virginia Workers’ Compensation Board of Review’s affirmance of the Office of Judges’ decision upholding the claims administrator’s rejection of her workers’ compensation claim.
STANDARD OF REVIEW	Under West Virginia Code § 23-5-15(c), 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, reversal or modification is permitted only for a clear violation of a constitutional or statutory provision, 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PRECEDENTIAL VALUE	Unpublished memorandum decision; nonprecedential value not expressly stated in the text
PARTIES	Crystal L. Samples v. Coastal Personnel

TOPICS

workers compensation

standard of review

appellate procedure

PRACTICE AREAS

Workers' compensation

employment law

appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence established that Samples sustained a new compensable occupational injury on June 28, 2019.
2. Whether aggravation or progression of Samples's alleged noncompensable 2017 condition resulted in a discrete new injury compensable under the Workers' Compensation Act.
3. Whether the Board of Review's affirmance of the denial was clearly erroneous under the applicable workers' compensation standard of review.

HOLDINGS

1. Samples failed to carry her burden to establish that she sustained an injury in the course of and resulting from her employment on June 28, 2019.
2. A noncompensable preexisting injury may not be added as a compensable component of a workers' compensation claim merely because it was aggravated by a compensable injury; only a discrete new injury resulting from the aggravation may be compensable.
3. The Board of Review's affirmance of the denial did not constitute prejudicial error or present a substantial question of law, and the decision was affirmed.

KEY QUOTATIONS

"All of the evidence of record indicates that Ms. Samples is not suffering from a new condition, and she has failed to carry her burden to establish that she sustained an injury in the course of and resulting from her employment on June 28, 2019." (at 4)

FACTUAL BACKGROUND

Samples, a VTM assembly worker for Coastal Personnel, reported right arm, shoulder, and hand symptoms while working on June 28, 2019. She alleged that the symptoms were related either to a new event at work or to a fall between a rack in 2017, but medical records did not document the alleged fall and diagnostic testing did not establish a compensable condition. The claims administrator rejected the claim, and the reviewing workers' compensation tribunals determined that the evidence did not show a discrete new injury or a compensable aggravation of a preexisting condition.

PROCEDURAL HISTORY

The claims administrator rejected Samples's claim on July 12, 2019. The Workers' Compensation Office of Judges affirmed the rejection on September 11, 2020, and the Board of Review affirmed on February 23, 2021.

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, 775 S.E.2d 458 (2015)
- Justice v. West Virginia Office Insurance Commission, 230 W. Va. 80, 736 S.E.2d 80 (2012)
- Davies v. W. Va. Off. of Ins. Comm'r, 227 W. Va. 330, 708 S.E.2d 524 (2011)
- Gill v. City of Charleston, 236 W. Va. 737, 783 S.E.2d 857 (2016)

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