

STATE OF WEST VIRGINIA

SUPREME COURT OF APPEALS

FILED

MICHAEL DALE GOODALL, Petitioner

April 12, 2012
RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

vs.) No. 101611 (BOR Appeal No. 2044562)
(Claim No. 2005017562)

WEST VIRGINIA OFFICE OF
INSURANCE COMMISSIONER and
HUNTINGTON ALLOYS CORPORATION,
Respondent

MEMORANDUM DECISION

Petitioner Michael Dale Goodall, by Edwin Pancake, his attorney, appeals the decision of the Board of Review. Huntington Alloys Corporation, by Steven Wellman, its attorney, filed a timely response.

This appeal arises from the West Virginia Workers' Compensation Board of Review's Final Order dated November 22, 2010, in which the Board affirmed an April 28, 2010, Order of the Workers' Compensation Office of Judges. In its Order, the Office of Judges affirmed the claims administrator's April 13, 2009, decision denying Mr. Goodall's request for two SI nerve blocks at four levels each and three trigger point injections one month apart. The Court has carefully reviewed the records, written arguments, and appendices contained in the petition, and the case is mature for consideration.

Having considered the petition and the relevant decision of the lower tribunal, the Court is of the opinion that the decisional process would not be significantly aided by oral argument. Upon consideration of the standard of review, the Court determines that there is no prejudicial error. This case does not present a new or significant question of law. For these reasons, a memorandum decision is appropriate under Rule 21 of the Revised Rules of Appellate Procedure.

In its Order, the Office of Judges held that Mr. Goodall is not entitled to SI nerve blocks and trigger point injections because they are not reasonably required medical treatment as related to the compensable conditions in the instant claim. Mr. Goodall disputes this finding and asserts that the requested treatment is medically necessary to treat his compensable injuries.

The Office of Judges found that Mr. Goodall's treating physician requested the treatment for the following conditions: post laminectomy syndrome, status post fusion L4-5 with pedicle screws and cage; SI joint syndrome, bilateral; lumbar facet syndrome, bilateral; spinal stenosis by MRI; myofascial pain syndrome; and previous lumbar radiculopathy, related left leg pain improved. The Office of Judges found that the only compensable conditions in the claim are lumbar sprain and displacement of a lumbar intervertebral disc without myelopathy, and that therefore the treatment requested is for conditions that are not compensable components of the claim. The Office of Judges noted that Dr. Hess, who performed an independent medical evaluation, found that Mr. Goodall would not benefit from the requested treatment with regard to his compensable injuries in this claim. The Board of Review reached the same reasoned conclusion in its decision of November 22, 2010.

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. Therefore, the decision of the Board of Review is affirmed.

Affirmed.

ISSUED: April 12, 2012

CONCURRED IN BY:

Justice Robin J. Davis

Justice Margaret L. Workman

Justice Thomas E. McHugh

DISSENTING:

Chief Justice Menis E. Ketchum

Justice Brent D. Benjamin