

**STATE OF WEST VIRGINIA**

**SUPREME COURT OF APPEALS**

**FILED**

**July 21, 2011**

**RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA**

**DEBRA K. FIELDS,  
Claimant Below, Petitioner**

**vs.) No. 100896 (BOR Appeal No. 2044199)  
(Claim No. 2006046000)**

**WEST VIRGINIA OFFICE OF  
INSURANCE COMMISSIONER,  
Commissioner Below, Respondent**

**and**

**LOGAN GENERAL HOSPITAL, LLC,  
Employer Below, Respondent**

**MEMORANDUM DECISION**

This appeal arises from the West Virginia Workers' Compensation Board of Review Final Order dated July 9, 2010, in which the Board affirmed a February 25, 2010, Order of the Workers' Compensation Office of Judges. In its Order, the Office of Judges affirmed the claims administrator's denial of authorization for diagnostic menisectomy. The appeal was timely filed by the petitioner and a response was filed by the Logan General Hospital, LLC. The Court has carefully reviewed the records, written arguments, and appendices contained in the petition, and the case is mature for consideration.

Pursuant to Rule 1(d) of the Revised Rules of Appellate Procedure, this Court is of the opinion that this matter is appropriate for consideration under the Revised Rules. Having considered the petition, response, 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.

The Board of Review held Ms. Field's request for authorization of a diagnostic menisectomy was not supported by the medical evidence on record and affirmed the holding of the Office of Judges finding the requested procedure was not related to Ms. Field's compensable claim. Ms. Fields asserts the diagnostic menisectomy is proper and should be approved as part of her compensable claim as it is supported by the relevant medical evidence from her treating physician, Dr. R. Padmanaban. Logan General Hospital, LLC asserts there is no relevant medical evidence showing a meniscus tear sufficient for approval of the instant diagnostic menisectomy. Dr. R. Padmanaban was the only examining physician to opine Ms. Fields suffered from a meniscus tear. In its Order the Office of Judges determined the medical evidence indicated Ms. Fields suffered from a left knee strain with pre-existing degenerative changes and found on evidence of internal injury to the knee in the MRIs. (February 25, 2010 Office of Judges Order, p. 4). It further noted Ms. Fields' continued complaints of pain appeared to stem from the pre-existing degenerative changes as opposed to the compensable knee injury. *Id.* Additionally, it held Ms. Fields failed to make any showing of a causal connection between the injury and the request for diagnostic menisectomy. The Office of Judges, too, found no basis for authorization of the diagnostic menisectomy, or for disputing the Claims Administrator's findings. The Board of Review reached the same reasoned conclusions in affirming the Office of Judges in its decision of July 10, 2010.

For the foregoing reasons, we find that the decision of the Board of Review is not in clear violation of constitutional or statutory provision, clearly the result of erroneous conclusions of law, or is based upon the Board's material misstatement or mischaracterization of particular components of the evidentiary record. Therefore, the denial of the petitioner's request for authorization of diagnostic menisectomy is affirmed.

Affirmed.

ISSUED: July 21, 2011

CONCURRED IN BY:

Chief Justice Margaret L. Workman

Justice Robin Jean Davis

Justice Brent D. Benjamin

Justice Menis E. Ketchum

Justice Thomas E. McHugh