

IN THE INTERMEDIATE COURT OF APPEALS OF WEST VIRGINIA

GMS MINE REPAIR & MAINTENANCE, INC.,
Employer Below, Petitioner

v.) No. 24-ICA-367 (JCN: 2024017631)

RODNEY WOODRUFF,
Claimant Below, Respondent

FILED
February 28, 2025

ASHLEY N. DEEM, CHIEF DEPUTY CLERK
INTERMEDIATE COURT OF APPEALS
OF WEST VIRGINIA

MEMORANDUM DECISION

Petitioner GMS Mine Repair & Maintenance, Inc., (“GMS”) appeals the August 14, 2024, order of the Workers’ Compensation Board of Review (“Board”). Respondent Rodney Woodruff filed a response.¹ GMS did not reply. The issue on appeal is whether the Board erred in reversing the claim administrator’s orders, which 1) denied the addition of right shoulder strain and neck strain as compensable conditions, 2) denied authorization for a right shoulder MRI and physical therapy, and 3) denied authorization for payment for an office visit to Roderick Allen Young, M.D., on April 1, 2024.

This Court has jurisdiction over this appeal pursuant to West Virginia Code § 51-11-4 (2024). After considering the parties’ arguments, the record on appeal, and the applicable law, this Court finds no substantial question of law and no prejudicial error. For these reasons, a memorandum decision affirming the Board’s order is appropriate under Rule 21 of the Rules of Appellate Procedure.

On March 20, 2024, while employed by GMS, Mr. Woodruff was seen at the emergency room (“ER”) at Logan Regional Medical Center for a work-related injury to his right index finger. Mr. Woodruff reported that he was working as a coal miner when his right index finger was caught in a conveyor belt. X-rays of the right index finger revealed a distal phalanx fracture. The assessment was displaced fracture of the distal phalanx of the right index finger. A right finger laceration was repaired with stitches, and Mr. Woodruff was referred to Luis Bolano, M.D., for further evaluation and treatment.

Mr. Woodruff returned to the ER on March 23, 2024, with complaints of right shoulder, back, and neck pain following a work-related injury on March 20, 2024. Mr. Woodruff reported that following the injury he developed intermittent pain in his neck,

¹ GMS is represented by Jeffrey B. Brannon, Esq. Mr. Woodruff is represented by William B. Gerwig, III, Esq.

back, right shoulder, and right knee that occurred with certain movements. A physical examination revealed tenderness and pain with range of motion in the neck and right shoulder. An x-ray of the right shoulder revealed a possible AC joint separation. An x-ray of the cervical spine revealed no acute abnormality. The assessment was right shoulder pain, right knee pain, thoracic back pain, and strain of the muscle, fascia, and tendons at the neck level.

On March 28, 2024, Mr. Woodruff was seen by Dr. Bolano. Mr. Woodruff stated that he injured his right shoulder and right index finger while working on a 500-pound roller/belt on March 20, 2024. Mr. Woodruff reported pain in the right shoulder, right shoulder blade, and neck with pain radiating down the right arm. Mr. Woodruff further reported that he had difficulty raising his right arm without pain, and he was currently off work. Dr. Bolano diagnosed Mr. Woodruff with a work-related injury resulting in a right shoulder strain, a crushing injury to the right index finger, and a closed displaced fracture of the distal phalanx of the right index finger. Dr. Bolano indicated that Mr. Woodruff should remain off work until his follow-up in four weeks. An Injured Employee's Report dated March 29, 2024, indicates that Mr. Woodruff reported injuries to his finger, shoulder, and back on March 20, 2024, while lifting a belt structure at work.

Mr. Woodruff was seen by Dr. Young on April 1, 2024, and he reported that he sustained injuries to his right shoulder, neck, and right hand while helping to put together a belt structure in the mine. Mr. Woodruff's main complaint was his crushed and lacerated right index finger. Mr. Woodruff further complained of mild to moderate pain in the right C6-C7 paraspinal area of the cervical spine and right shoulder. Mr. Woodruff reported that the pain from his neck radiated down the posterior right arm and into the forearm. The assessment was neck sprain, right shoulder sprain, closed fracture of the distal phalanx of the right index finger, and a laceration of the right index finger. Dr. Young opined that Mr. Woodruff's cervical spine and right shoulder injuries were consistent with the reported mechanism of injury, and he recommended a short course of steroids, an MRI of the right shoulder, and six weeks of physical therapy. Dr. Young released Mr. Woodruff to return to modified duty with restrictions, but he noted that if modified duty was not available, Mr. Woodruff should remain off work. Dr. Young requested authorization for physical therapy.

On April 5, 2024, the claim administrator issued an order denying authorization for physical therapy and an MRI of the right shoulder based upon a finding that the treatment was not medically necessary nor reasonably required for treatment of a compensable condition. Mr. Woodruff protested this order.

Between April 8, 2024, and May 22, 2024, Mr. Woodruff followed up with Dr. Young several times for neck and right shoulder symptoms. On April 8, 2024, Dr. Young ordered MRI studies of the right shoulder and neck and six weeks of physical therapy. A Discharge and Return to Work Certificate from Dr. Young dated April 8, 2024, indicated

that Mr. Woodruff was to continue under his current work restrictions. On April 22, 2024, Dr. Young opined that Mr. Woodruff's neck and right shoulder injuries were causally related to the compensable work injury of March 20, 2024. Dr. Young stated, "[Mr. Woodruff's] hand got pulled forward and mashed and when your hand gets pulled forward [your] shoulder also gets jerked forward in addition to jerking the neck which is why he has those other injuries." Dr. Young also noted the ER staff focused on the finger injury on Mr. Woodruff's initial visit because it was the most obvious injury and was bleeding profusely. It was reported that Mr. Woodruff had been off work since April 9, 2024, because his employer no longer had any modified duty work for him. Dr. Young ordered MRI studies of the cervical spine and right shoulder and six weeks of physical therapy. A Discharge and Return to Work Certificate from Dr. Young dated April 22, 2024, indicated that Mr. Woodruff was to remain off work through June 3, 2024.

On April 22, 2024, the claim administrator issued an order denying authorization for payment of a bill from Dr. Young for date of service of April 1, 2024, as unauthorized treatment. The claim administrator issued an order dated April 24, 2024, holding the claim compensable for right index finger laceration and right index finger fracture. Mr. Woodruff protested these orders.

Mr. Woodruff returned to see Dr. Young on May 6, 2024. Physical examination of the right shoulder suggested a likely supraspinatus tendon injury, which was consistent with Mr. Woodruff's reported mechanism of injury. Dr. Young again opined that Mr. Woodruff's injuries to his neck and shoulder were related to the compensable injury and were consistent with Mr. Woodruff being jerked forward by the conveyor belt. Mr. Woodruff's new estimated return to work date was July 6, 2024. In an Attending Physician Benefits Form dated May 22, 2024, Dr. Young indicated the following: 1) Mr. Woodruff had not reached maximum medical improvement and was not ready for a permanent partial disability rating; and 2) Mr. Woodruff had been temporarily and totally disabled since April 9, 2024, and would remain so through July 22, 2024. Dr. Young again requested authorization for MRI studies and physical therapy.

Mr. Woodruff was evaluated by Prasadarao Mukkamala, M.D., on May 29, 2024. At the time of the evaluation, Mr. Woodruff complained of an aching/burning sensation in the neck and right shoulder. He also reported popping and cracking in the right shoulder and low back pain. Dr. Mukkamala diagnosed Mr. Woodruff with a laceration of the right index finger and a fracture of the distal phalanx of the right index finger. Dr. Mukkamala opined that there was no credible objective medical evidence of an injury to the neck, right shoulder, or low back. Dr. Mukkamala further opined that there was no indication for MRI studies of the right shoulder and/or cervical spine or formal physical therapy. On May 30, 2024, the claim administrator issued an order denying the request to add tuft fracture/laceration of right index finger; strain of right shoulder; and neck strain as

compensable conditions of the claim based upon Dr. Mukkamala's report of May 29, 2024. Mr. Woodruff protested this order to the Board.

On August 14, 2024, the Board reversed the claim administrator's orders which 1) denied or failed to hold compensable a right shoulder strain and neck strain, 2) denied authorization for a right shoulder MRI and physical therapy, and 3) denied authorization for payment for an office visit to Roderick Allen Young, M.D., on April 1, 2024. The Board found that the weight of the evidence establishes that Mr. Woodruff sustained a compensable right shoulder strain and neck strain as a result of the compensable injury. The Board further found that GMS now appeals the Board's order.

Our standard of review is set forth in West Virginia Code § 23-5-12a(b) (2022), in part, as follows:

The Intermediate Court of Appeals may affirm the order or decision of the Workers' Compensation Board of Review or remand the case for further proceedings. It shall reverse, vacate, or modify the order or decision of the Workers' Compensation Board of Review, if the substantial rights of the petitioner or petitioners have been prejudiced because the Board of Review's findings are:

- (1) In violation of statutory provisions;
- (2) In excess of the statutory authority or jurisdiction of the Board of Review;
- (3) Made upon unlawful procedures;
- (4) Affected by other error of law;
- (5) Clearly wrong in view of the reliable, probative, and substantial evidence on the whole record; or
- (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Syl. Pt. 2, *Duff v. Kanawha Cnty. Comm'n*, 250 W. Va. 510, 905 S.E.2d 528 (2024).

GMS argues that the medical records in this claim indicate that the only compensable injury suffered by Mr. Woodruff was to his right index finger. GMS further argues that Mr. Woodruff "changed his allegation as to how the injury occurred several times and alleged injuries to numerous additional body parts." We disagree.

Three elements must coexist in workers' compensation cases to establish compensability: (1) a personal injury (2) received in the course of employment and (3) resulting from that employment. *See Barnett v. State Workmen's Comp. Comm'r*, 153 W.Va. 796, 172 S.E.2d 698 (1970); *Sansom v. Workers' Comp. Comm'r*, 176 W. Va. 545, 346 S.E.2d 63 (1986). The claim administrator must provide a claimant with medically

related and reasonably necessary treatment for a compensable injury. *See* West Virginia Code § 23-4-3 (2005) and West Virginia Code of State Rules § 85-20 (2006).

Here, the Board determined that the weight of the evidence establishes that Mr. Woodruff sustained a compensable right shoulder strain and neck strain as a result of the compensable injury. The Board noted that Dr. Young explained that the initial focus of the providers was on Mr. Woodruff's right index finger because it was the site of the most significant and obvious injury immediately following the work accident. The Board also noted that Dr. Young has been consistent in his opinion that Mr. Woodruff's neck and right shoulder strain injuries were caused by the reported mechanism of injury, and the record contains no reasonable explanation for Mr. Woodruff's neck and right shoulder diagnoses other than the compensable injury. The Board specifically found Dr. Young's opinion to be persuasive, and the opinion of Dr. Mukkamala to be unpersuasive. The Board found that the record contained no evidence of preexisting injury or symptoms related to the right shoulder strain or neck strain. The Board noted that "[t]he mere fact that Mr. Woodruff did not report his neck and right shoulder symptoms until after his right index finger had been sutured and repaired does not preclude Mr. Woodruff from adding the neck and right shoulder as compensable diagnoses."

As to the requested treatment, the Board found that the weight of the evidence establishes that the requests for a right shoulder MRI and physical therapy should be authorized in the claim. The Board noted that Dr. Young repeatedly requested physical therapy as medically necessary and reasonably required treatment for Mr. Woodruff's compensable right shoulder and neck strain injuries and found that there is no credible medical evidence of record to refute his findings on that point. Additionally, the Board noted that Dr. Young repeatedly requested authorization for a right shoulder MRI to further assess the extent of Mr. Woodruff's right shoulder pathology. Finally, the Board found that Mr. Woodruff was seen by Dr. Young for an initial consultation and treatment of his compensable injury on April 1, 2024, and thus, payment for the April 1, 2024, visit should be covered in this claim.

Upon review, we conclude that the Board was not clearly wrong in finding that the weight of the evidence establishes that right shoulder strain and neck strain are causally related to the compensable injury and should be added as compensable conditions in the claim. Further, we conclude that the Board was not clearly wrong in authorizing physical therapy and right shoulder MRI for the above-mentioned added compensable conditions. Finally, we conclude the Board was not clearly wrong in determining that payment for the April 1, 2024, visit to Dr. Young for treatment of compensable conditions should be authorized.

As the Supreme Court of Appeals of West Virginia has set forth, "[t]he 'clearly wrong' and the 'arbitrary and capricious' standards of review are deferential ones which

presume an agency's actions are valid as long as the decision is supported by substantial evidence or by a rational basis." Syl. Pt. 3, *In re Queen*, 196 W. Va. 442, 473 S.E.2d 483 (1996). With this deferential standard of review in mind, we cannot conclude that the Board was clearly wrong in reversing the claim administrator's order, which 1) denied the addition of right shoulder strain and neck strain as compensable conditions, 2) denied authorization for a right shoulder MRI and physical therapy, and 3) denied authorization for payment for an office visit to Roderick Allen Young, M.D., on April 1, 2024.

We do not find merit in GMS' argument that Mr. Woodruff's statements about the injury were inconsistent. Our review of the record has not revealed any notable inconsistencies in Mr. Woodruff's statements, nor were any such inconsistencies noted by the Board.

Accordingly, we affirm the Board's August 14, 2024, order.

Affirmed.

ISSUED: February 28, 2025

CONCURRED IN BY:

Chief Judge Charles O. Lorensen
Judge Daniel W. Greear
Judge S. Ryan White