

IN THE INTERMEDIATE COURT OF APPEALS OF WEST VIRGINIA

CALVIN R. TEETS,
Claimant Below, Petitioner

FILED
September 30, 2025

v.) No. 25-ICA-6 (JCN: 2022003445)

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

PATTERSON UTI ENERGY, INC.,
Employer Below, Respondent

MEMORANDUM DECISION

Petitioner Calvin R. Teets appeals the December 5, 2024, order of the Workers' Compensation Board of Review ("Board"). Respondent Patterson UTI Energy, Inc., ("UTI") filed a response.¹ Mr. Teets did not reply. The issue on appeal is whether the Board erred in affirming the claim administrator's order, which rejected the claim on a non-medical basis.

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 that there is error in the Board's order but no substantial question of law. For the reasons set forth below, a memorandum decision vacating the Board's order is appropriate under Rule 21 of the Rules of Appellate Procedure.

Mr. Teets filed an Employees' Report of OP dated August 24, 2020. Mr. Teets indicated that he had ceased work on January 30, 2015. Mr. Teets reported exposure in West Virginia from 1989 to December 30, 2010, and from July of 2012 to January 30, 2015. In the Physician's Report of OP dated August 25, 2020, Peter V. Wentzel, M.D., opined that Mr. Teets had OP with impairment. Mr. Teets was seen by Dr. Wentzel on August 25, 2020, for black lung and an occupational lung disease evaluation. The assessment was dyspnea. Attached was a Roentgenographic Interpretation report dated May 3, 2021. The film reviewed was dated August 17, 2020. The reading was a B, and the film quality was a 2 due to improper positioning. There were no parenchymal or pleural abnormalities consistent with pneumoconiosis. An attached pulmonary function study performed on June 7, 2021, revealed normal spirometry.

On November 30, 2023, Mr. Teets was deposed and testified that he worked for UTI from July of 2012 to January 30, 2015. Mr. Teets testified that while working for UTI, he was a mechanic and worked at fracking well sites. Mr. Teets testified that as a mechanic,

¹ Mr. Teets is represented by Samuel B. Petsonk, Esq. UTI is represented by Daniel G. Murdock, Esq.

he would work on trucks when they broke down and change filters. Mr. Teets testified that while working at different well sites, he was only exposed to sand dust. Mr. Teets testified that he could see the sand in the air and that it would get on his clothing and his face. Mr. Teets testified that at a well site, tankers would pump sand into wellheads through a hose, and that sand dust would come out of the hole and into the air. Mr. Teets testified that the trucks he worked on as a mechanic would be about 10 to 15 feet from the wellhead.

Further, Mr. Teets testified that, prior to working for UTI, he worked as a coal picker at Cheyenne Sales from 1997 to December 30, 2010. Mr. Teets testified that he worked at a picking table and belt line, picking up rocks and slate, and throwing them down a chute. Mr. Teets testified that while doing that work, he was exposed to plenty of dust. Mr. Teets testified that the dust would blacken his clothes as if he were working underground. Mr. Teets testified that he breathed in the dust and that after his shift, if he blew his nose, there would be “plenty” of coal dust being blown out. Mr. Teets testified that UTI and Cheyenne Sales were the only two places he worked where he was exposed to dust.

David Naylor was deposed on September 16, 2024, and testified that he worked for UTI throughout Mr. Teets’ employment. Mr. Naylor started as a lead mechanic and then worked as a shop foreman. Mr. Naylor testified that Mr. Teets worked in the shop while servicing equipment and tractor-trailers. Mr. Naylor testified that there would not be a lot of dust on the equipment that came into the shop and that the shop was fairly clean. Mr. Naylor testified that other than one time when Mr. Teets had to go to a well site to work on equipment for a week, Mr. Teets was at the shop the entire time. On cross-examination, Mr. Naylor testified that when Mr. Teets first started for UTI, Keith Suitor was the shop foreman to whom Mr. Teets directly reported. Mr. Naylor testified that when Mr. Suitor was the foreman, he was working day shift as a lead mechanic while Mr. Teets was working the second shift, changing oil. Mr. Naylor testified that their shifts overlapped by about three to four hours during that time. Mr. Naylor testified that Mr. Teets eventually started working the day shift but could not recall when that occurred.

On December 5, 2024, the Board affirmed the claim administrator’s order rejecting the claim. The Board found that Mr. Teets failed to establish that he was exposed to abnormal quantities of dust. The Board referenced the Supreme Court of Appeals of West Virginia’s ruling in *Fletcher v. W. Virginia Off. of Ins. Comm’r*, No. 11-0404, 2012 WL 5471438, at *1 (W. Va. Oct. 31, 2012) (memorandum decision), in which the Court agreed with the Board of Review that a portion of the claimant’s work history, involving work in an office environment at mining companies, did not expose him to the requisite minute particles of dust in abnormal quantities and did not satisfy the dust exposure requirements needed to support a claim for OP. Then, the Board offered one sentence of analysis which stated that the testimony of Mr. Teets and Mr. Naylor did not establish that Mr. Teets was exposed to abnormal quantities of dust during the course of his employment. Mr. Teets 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).

Here, the Board determined that Mr. Teets had not demonstrated that he was exposed to the hazards of OP during the course of and as a result of his employment with UTI.

Upon review, we conclude that the Board failed to provide an adequate analysis of the evidence. In order for this Court to provide a complete appellate review, the Board's orders must fully analyze the evidence and provide a reasonably sufficient explanation detailing how it arrived at a conclusion. *See Workman v. ACNR Resources, Inc.*, No. 23-638, 2025 WL 1603935 (W. Va. June 6, 2025). In this case, the Board's analysis is deficient. For instance, the Board failed to address the difference in work hours between Mr. Suitor and Mr. Teets, and it did not make a credibility finding. Moreover, Mr. Teets testified to dust exposure at Cheyene Sales. Due to the sparse reasoning contained within the Board's December 5, 2024, order, we are unable to provide adequate appellate review.

Accordingly, we vacate the Board's December 5, 2024, order, and remand the matter to the Board for further proceedings consistent with this order.

Vacated and Remanded.

ISSUED: September 30, 2025

CONCURRED IN BY:

Chief Judge Charles O. Lorensen

Judge Daniel W. Greear

Judge S. Ryan White