

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

LYNDA NOEL,)	
)	
Appellant,)	
)	
vs.)	ED98446
)	
ABB COMBUSTION ENGINEERING,)	
)	
Employer/Respondent,)	Appeal from the Labor and
)	Industrial Relations Commission
and)	
)	97-447116
NATIONAL UNION FIRE INS. CO.,)	
)	
Insurer/Respondent,)	
)	
and)	
)	FILED: November 13, 2012
TREASURER OF MISSOURI AS)	
CUSTODIAN OF SECOND INJURY)	
FUND,)	
)	
Respondent.)	

Lynda Noel (Appellant) appeals the decision of the Labor and Industrial Relations Commission (Commission) denying her request for a determination that changing her medication regimen would endanger her life, health, or recovery, and denying her request for costs.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

Division Five Holds: The Commission’s conclusion that Appellant failed to show her need for Lamictal, Provigil, Desipramine, Wellbutrin, Synthroid, and Geodon flowed from her work injury was supported by substantial and competent evidence. The Commission’s same conclusion regarding Ambien and Valium was not so supported; and its conclusion regarding Appellant’s pain medication was against the overwhelming weight of the evidence. We remand to the Commission with instructions to consider whether Employer’s changes to Appellant’s pain medication and its removal of Ambien and Valium will endanger Appellant’s life, health, or recovery, under Section 287.140.2.

We also instruct the Commission, in light of its conclusion, to determine the extent of Employer's liability for costs under Section 287.560.

Opinion by: Gary M. Gaertner, Jr., C.J.
 Sherri B. Sullivan, J., and Robert M. Clayton, III, J.concur.

Attorney for Appellant: Keith E. Link
Attorney for Respondent: John P. Kafoury