

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MARK T. KEANEY, as Personal)	No. ED100033
Representative of the Estate)	
of Robert E. Keaney, Jr.,)	
)	
Respondent,)	Appeal from the Labor and
)	Industrial Relations Commission
vs.)	
)	
TREASURER OF STATE OF MISSOURI,)	
as Custodian of the Second)	
Injury Fund,)	
)	
Appellant.)	Filed: December 17, 2013

OPINION SUMMARY

The Treasurer of the State of Missouri, as custodian of the Second Injury Fund (the “Fund”), appeals the decision of the Labor and Industrial Relations Commission (the “Commission”) ordering the Fund to pay a lump sum of \$17,251.42 in attorney fees to the estate of Robert E. Keaney, Jr. (the “estate”). In its three points on appeal, the Fund contends that the Commission erred in ordering attorney fees to be paid in a lump sum to the estate because: (1) the Commission lacked the statutory authority to amend the award of attorney fees as the award became final in 1995; (2) commutation of an attorney fee lien is unauthorized under Mo. Rev. Stat. § 287.530; and (3) the award was not supported by sufficient competent evidence of the statutory circumstances that merit commutation. Because we find that the Commission lacked the statutory authority to amend the award, we reverse and remand.

Division Three holds:

(1) The Commission erred in ordering attorney fees to be paid in a lump sum because the Commission lacked the statutory authority to amend the award after it became final in 1995.

Opinion by: Angela T. Quigless, J.

Mary K. Hoff, P.J., Kurt S. Odenwald, J., Concur.

Attorney for Appellant: Rochelle Reeves

Attorney for Respondent: Mark T. Keaney

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.