

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JOHN F. MANESS, Respondent,)	No. ED100074
)	
vs.)	
)	
CITY OF DE SOTO and MISSOURI)	
INTERGOVERNMENTAL RISK)	
MANAGEMENT ASSOCIATION, Appellants,)	Appeal from the Labor and
)	Industrial Relations Commission
and)	
)	
TREASURER OF MISSOURI AS)	
CUSTODIAN OF THE)	
SECOND INJURY FUND, Respondent.)	Filed: February 25, 2014

The City of De Soto (Employer) and the Missouri Intergovernmental Risk Management Association (Insurer) appeal from a final award of the Labor and Industrial Relations Commission (the Commission). In its award, the Commission ordered Employer and the Treasurer of Missouri as Custodian of the Second Injury Fund to pay workers' compensation benefits to John F. Maness (Claimant). Employer and Insurer argue the Commission erred in: (1) finding Claimant sustained an accident on June 11, 2007; (2) finding the accident was the prevailing factor causing Claimant's neck condition and need for treatment; (3) awarding temporary total disability benefits for a three-month period following Claimant's neck surgery; (4) awarding permanent partial disability benefits based on its finding that Claimant sustained a 40% permanent partial disability as a result of the accident; (5) awarding future medical care; and (6) awarding past medical expenses.

AFFIRMED.

Division Three Holds:

- 1) Claimant's testimony and his reports to doctors and Employer constitute sufficient competent and substantial evidence to support the Commission's determination that an accident occurred on or about June 11 or 12, 2007.
- 2) Claimant's testimony and the opinions of Drs. Kennedy and Volarich, all of which the Commission found credible, support the Commission's finding that the accident was the prevailing factor in causing Claimant's resulting medical condition and disability.
- 3) The record contains competent and substantial evidence supporting the Commission's award of temporary total disability benefits for Claimant's healing period following surgery necessitated by the work injury.
- 4) The Commission was free to determine based on the evidence that Claimant sustained a 40% permanent partial disability as a result of the work injury. Thus,

the Commission did not err in ordering Employer to pay permanent partial disability benefits to Claimant.

- 5) Dr. Volarich's testimony is competent and substantial evidence showing a reasonable probability that Claimant will need additional medical treatment for the work-related injury. Accordingly, the Commission did not err in ordering Employer to provide future medical care.
- 6) The Commission did not err in ordering Employer to reimburse Claimant for the full amount of past medical expenses billed by Des Peres Hospital, Dr. Rutz, and Dr. Poepsel. In addition, the Commission properly ordered Employer to pay Claimant directly for the past medical expenses.

Opinion by: Angela T. Quigless, J.

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

Attorney for Appellant: Mary A. Lindsey and Timothy M. Tierney

Attorney for Respondent: Dean L. Christianson and Kevin A. Nelson

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.