

# OPINION SUMMARY

## MISSOURI COURT OF APPEALS EASTERN DISTRICT

CARL GREER,	)	No. ED101389
	)	
Appellant,	)	
	)	
vs.	)	Appeal from the Labor and
	)	Industrial Relations Commission
SYSCO FOOD SERVICES,	)	
	)	
Respondent/Cross Appellant,	)	
	)	
and	)	
	)	
TREASURER OF MISSOURI AS	)	
CUSTODIAN OF THE SECOND	)	
INJURY FUND,	)	
	)	
Respondent.	)	FILED: November 18, 2014

Carl Greer (“Claimant”) appeals from the final award of the Labor and Industrial Relations Commission (“Commission”) allowing Claimant compensation for past medical expenses, future medical care benefits, permanent partial disability (“PPD”) benefits, and temporary total disability (“TTD”) benefits from SYSCO Food Services (“Employer”), but denying Claimant permanent total disability (“PTD”) benefits. Claimant asserts the Commission erred in failing to award him PTD benefits because the evidence established he is unemployable in the open labor market. Employer cross-appeals from the award, arguing that the Commission erred in awarding Claimant past medical expenses, future medical care benefits, and TTD benefits, and in failing to reduce Claimant’s benefits by 25-50% due to Claimant’s violation of Employer’s reasonable safety rule.

**AFFIRMED IN PART, REVERSED IN PART.**

Division III holds: Because the Commission misapplied the law when awarding Greer TTD benefits after he reached maximum medical improvement, we reverse that portion of the Commission’s award. Because the record contains sufficient competent evidence to support the Commission’s award in all other respects, we affirm the remainder of the award.

Opinion by: Kurt S. Odenwald, P.J., Robert G. Dowd, Jr., J. and Gary M. Gaertner, Jr., J. Concur.

Attorney for Appellant: Ray B. Marglous and Robert S. Merlin

Attorney for Respondent – Second Injury Fund: Chris Koster and Tracey E. Cordia

Attorney for Respondent- Sysco Food Services: John M. Allen and Cynthia L. Parnell

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