

MISSOURI COURT OF APPEALS EASTERN DIVISION
OPINION SUMMARY

SHELBY PATTERSON,)	NO. ED101451
)	
Respondent,)	
)	
vs.)	
)	Appeal from the Labor and Industrial
)	Relations Commission
CENTRAL FREIGHT LINES,)	
)	
Respondent,)	
)	
and)	
)	
TREASURER OF THE STATE OF)	
MISSOURI, AS CUSTODIAN OF)	
THE SECOND INJURY FUND,)	
)	
Appellant.)	FILED: January 20, 2015

The Missouri State Treasurer, as custodian of the Second Injury Fund, appeals the decision of the Labor and Industrial Relations Commission finding the Fund liable for permanent total disability (PTD) benefits in favor of Shelby Patterson. Patterson’s work-related lumbar injury resulted in a permanent partial disability (PPD) of 40%. The Commission found that Patterson suffered a pre-existing psychiatric PPD of 30% which, when combined with the work injury, rendered Patterson PTD.

The Treasurer asserts that the Commission erred as a matter of law by substituting its own opinion on medical causation in place of the expert testimony. More specifically, the Treasurer submits that the Commission violated §287.190.6(2), requiring that PTD be certified by a physician, because no expert specifically opined that Patterson’s PTD resulted from a combination of his work injury and pre-existing psychiatric problems. Rather, the Commission extrapolated its conclusion from select opinions by several experts.

AFFIRMED.

DIVISION ONE HOLDS:

Section 287.190.6(2) does not require the Commission’s causation allocation to be physician-certified; it simply requires PTD status to be physician-certified, which it was here. The record need not contain a single expert opinion addressing the entirety of a claimant’s conditions. Rather, the Commission may consider the opinions of multiple experts of differing specialties to arrive at its factual determination as to the parts and sum of a claimant’s conditions.

The Treasurer mainly challenges the Commission’s finding as to the origin of Patterson’s psychiatric PPD, specifically whether it was pre-existing or caused by the work injury. The

Commission's determination that Patterson's psychiatric PPD was pre-existing is supported by substantial competent evidence in the record.

Opinion by: Clifford H. Ahrens, Judge
Amburg, J., concur.

Lawrence A. Mooney, P.J., and Lisa Van

Attorney for Appellant: Maria W. Daughtery

Attorney for Respondent: R. Kent Schultz and Nolan Daniel Drafahl

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.