

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

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|--------------------------------|---|---------------------------------|
| KENNETH TILLEY, Respondent, |) | No. ED94431 |
| |) | |
| vs. |) | Appeal from the Labor and |
| |) | Industrial Relations Commission |
| USF HOLLAND INC., Appellant, |) | |
| and |) | |
| TREASURER OF MISSOURI AS |) | Filed: |
| CUSTODIAN OF THE SECOND INJURY |) | September 21, 2010 |
| FUND, Respondent. |) | |

USF Holland Incorporated appeals from the decision of the Labor and Industrial Relations Commission (“the Commission”) affirming the award of the Administrative Law Judge finding Kenneth Tilley (“Claimant”) was entitled to permanent total disability benefits, temporary total disability benefits, and future medical costs, and Claimant’s wife was entitled to a continuation of Claimant’s permanent total disability benefits under Schoemehl v. Treasurer of State, 217 S.W.3d 900 (Mo. banc 2007).

AFFIRMED.

Division Four holds: The Commission’s decision awarding Claimant permanent total disability benefits, temporary total disability benefits, and future medical costs was supported by sufficient competent and substantial evidence. Further, the Commission correctly found Claimant’s wife was entitled to a continuation of Claimant’s permanent total disability benefits under Schoemehl.

Opinion by: Robert G. Dowd, Jr., J.
Kurt S. Odenwald, P.J. and Nannette A. Baker, J., concur.

Attorney for Appellant: Stephen A. McManus

Attorneys for Respondents: M. Mercedes Fort and Frank A. Rodman

**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.**