

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

JOSEPH SALVICCIO,)	No. ED97862
)	
Respondent,)	Appeal from the Labor and Industrial
)	Relations Commission
vs.)	
)	
TREASURER OF THE STATE OF)	
MISSOURI, AS CUSTODIAN OF THE)	
SECOND INJURY FUND,)	
)	
Appellant.)	FILED: September 11, 2012

The Second Injury Fund ("Fund") appeals from the final award of the Labor and Industrial Relations Commission ("Commission"), finding the Fund liable to Joseph Salviccio ("Claimant") for 12.3 weeks of permanent partial disability ("PPD") enhancement. The Fund argues the Commission erred in failing to require that each of Claimant's preexisting PPDs satisfy the thresholds set out in Section 287.220.1.

TRANSFER TO SUPREME COURT.

Division Three Holds: We would reverse that portion of the Commission's decision that finds the Fund liable for PPD enhancement on preexisting PPDs that do not individually meet the statutory thresholds; however, because of the general interest and importance of the issues, we transfer to the Missouri Supreme Court pursuant to Rule 83.02.

Opinion by: Roy L. Richter, P.J.
Robert G. Dowd, Jr., J., and Angela T. Quigless, concur

Attorney for Appellant: Kristin Marie Frazier

Attorneys for Respondent: Elizabeth J. Ituarte

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