

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

WILLIAM DYSON,)	No. ED97865
)	
Employee/Respondent,)	Appeal from the Labor and
)	Industrial Relations Commission
v.)	
)	
TREASURER OF THE STATE OF)	
MISSOURI, CUSTODIAN OF THE)	
SECOND INJURY FUND,)	
)	
Defendant/Appellant.)	Filed: September 18, 2012

The Treasurer of the State of Missouri, Custodian of the Second Injury Fund (Fund) appeals from the decision of the Labor and Industrial Commission (Commission) awarding William Dyson (Employee) workers' compensation benefits from the Fund.

TRANSFERRED to SUPREME COURT.

Division One Holds: We would reverse that portion of the Commission's decision that found the Fund liable for permanent partial disability (PPD) enhancement on Employee's preexisting PPD that does not individually meet the statutory threshold; 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: Sherri B. Sullivan, J.
Clifford H. Ahrens, P.J., and Glenn A. Norton, J., concur.

Attorneys for Appellant: Da-Niel Cunningham
Attorney for Respondent: James S. Haupt

<p>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.</p>
