

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

KATHLEEN PETERS, Respondent,)	No. ED98300
)	
vs.)	
)	Appeal from the Labor and Industrial
TREASURER OF MISSOURI AS)	Relations Commission
CUSTODIAN OF SECOND INJURY FUND,)	
Appellant.)	Filed: November 6, 2012

The Second Injury Fund (Fund) appeals from a decision of the Labor and Industrial Relations Commission (Commission) finding that the Fund was liable to Kathleen Peters (Claimant) for permanent partial disability benefits based on an occupational disease. The Fund contends the Commission erred in awarding workers' compensation benefits to Claimant because an occupational disease is not a compensable injury for purposes of triggering Fund liability.

AFFIRMED.

Division Four Holds: Occupational diseases are compensable injuries under Section 287.067. Therefore, the Commission properly found that Claimant's shoulder overuse syndrome qualified as a "subsequent compensable injury" and triggered Fund liability for permanent partial disability benefits.

Opinion by: Patricia L. Cohen, J.

Lawrence E. Mooney, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Barbara Toepke

Attorney for Respondent: Gary W. Kullmann

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.