

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**BARBARA VICKERS,**

**APPELLANT,**

**v.**

**MISSOURI DEPARTMENT OF PUBLIC SAFETY,**

**RESPONDENT.**

---

DOCKET NUMBER WD69233

DATE: April 28, 2009

---

Appeal From:  
LABOR AND INDUSTRIAL RELATIONS COMMISSION

---

Appellate Judges:  
Division One: Harold L. Lowenstein, Presiding Judge, Victor C. Howard,  
Judge, and Thomas H. Newton, Chief Judge.

---

Attorneys:  
Mark J. Murphy, Esq., Liberty, MO, **for appellant.**

Kristi L. Pittman, Esq., Kansas City, MO, **for respondent.**

**MISSOURI APPELLATE COURT OPINION  
SUMMARY**

**COURT OF APPEALS -- WESTERN DISTRICT**

**BARBARA VICKERS,**

**APPELLANT,**

**v.**

**MISSOURI DEPARTMENT OF PUBLIC SAFETY,**

**RESPONDENT**

WD69233

Labor and Industrial Relations Commission

Before Division One Judges: Harold L. Lowenstein, Presiding Judge, Victor C. Howard, Judge, and Thomas H. Newton, Chief Judge.

Workers compensation claimant Barbara Vickers appeals the decision of the Labor and Industrial Relations Commission denying her compensation under Chapter 287, the Workers Compensation Act, for a claimed occupational injury. The Commission held that Vickers failed to carry her burden of proving that she was exposed to and contracted a communicable disease arising out of and in the course of her employment. Vickers contends that the Commission's decision is not supported by substantial and competent evidence.

**Reversed and remanded for further proceedings.**

**Division One holds:**

Subsection 6 of section 287.067, RSMo (2000), provides that any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits. An objective consideration of the record reveals that the Commission's decision is contrary to the overwhelming weight of the evidence. Vickers was exposed to and contracted a communicable disease arising out of and in the course of her employment and, therefore, is entitled to benefits.

The decision of the Commission is reversed and remanded to determine the amount of temporary and permanent benefits as well as the extent of medical payments due to Vickers.

**Opinion by: Harold L. Lowenstein, Judge**

April 28, 2009

**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**