

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**COMPLETE TITLE OF CASE:**

**GLENNDA TAYLOR,**

**APPELLANT;**

**v.**

**BALLARD RII SCHOOL DISTRICT,**

**RESPONDENT;**

**TREASURER OF THE STATE OF MISSOURI - CUSTODIAN OF THE SECOND  
INJURY FUND,**

**RESPONDENT.**

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DOCKET NUMBER WD69406

DATE: JANUARY 27, 2009

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Appeal From:  
LABOR AND INDUSTRIAL RELATIONS COMMISSION

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Appellate Judges:  
DIVISION ONE: LOWENSTEIN, P.J., HOWARD, J. and NEWTON, C.J.,

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Attorneys:  
John R. Stanley, Esq., Overland Park, KS, **for appellant.**

Howard C. Gosnell, Jr., Esq., and Meredith L. Moser, Esq., Kansas City, MO,  
**for respondents**

# MISSOURI APPELLATE COURT OPINION SUMMARY

## COURT OF APPEALS -- WESTERN DISTRICT

GLENNDA TAYLOR,

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v.

BALLARD RII SCHOOL DISTRICT,

RESPONDENT;

TREASURER OF THE STATE OF MISSOURI - CUSTODIAN OF THE SECOND  
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WD69406

Labor and Industrial Relations Commission

Before Division One Judges: Lowenstein, P.J., Howard, J. and Newton, C.J.

Worker's compensation claimant was awarded permanent total disability benefits, and claimant died the day the award was issued. Employer appealed the decision to the Labor and Industrial Relations Commission. The Commission substituted claimant's husband as claimant while the appeal was pending. The Commission subsequently affirmed the award but failed to mention whether employer would be required to pay permanent total disability benefits to husband for his lifetime. Husband appealed.

**AFFIRMED IN PART, REVERSED IN PART, REMANDED**

Pursuant to Section 287.230 RSMo (2000), husband is entitled to receive claimant's permanent total disability benefits for his lifetime because claimant died

of a cause unrelated to the work injury while the claim was pending, and husband was claimant's dependent at the time the work injury was sustained.

The judgment is affirmed insofar as it awards permanent total disability benefits, but reversed and remanded with directions to grant such benefits to husband for his lifetime.

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

January 27, 2009

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