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COMPLETE TITLE OF CASE:

PAUL JONES,

RESPONDENT,

v.

LICO STEEL,

APPELLANT,

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

RESPONDENT.

**DOCKET NUMBER WD69637
MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: February 10, 2009

Appeal From:

LABOR AND INDUSTRIAL RELATIONS COMMISSION

Appellate Judges:

DIVISION TWO: DANDURAND, P.J., LOWENSTEIN and SMART, JJ

Attorneys:

JAMES K. BLICKHAN, ESQ., KANSAS CITY, MO, for appellant.

MARK E. KELLY, ESQ., LIBERTY, MO; For respondent JONES; MAUREEN T.

SHINE, ESQ., for respondent TREASURER OF THE STATE OF MISSOURI -
CUSTODIAN 2ND INJURY FUND.

**MISSOURI APPELLATE COURT OPINION
SUMMARY**

COURT OF APPEALS -- WESTERN DISTRICT

PAUL JONES,

RESPONDENT,

v.

LICO STEEL,

APPELLANT,

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

RESPONDENT

WD69637

LABOR AND INDUSTRIAL RELATIONS COMMISSION

Before Division Two Judges: DANDURAND, P.J., LOWENSTEIN and
SMART, JJ.

Lico Steel appeals the Labor and Industrial Relations Commission's dismissal of its application for review of an award of permanent total disability benefits, past and future medical expenses and costs to Paul Jones. The Commission struck the application for review for failure to comply with Mo. CODE REGS. ANN TIT. 8, § 20-3.030(3)(A) (2003) that requires the application specifically state the reason the award was in error.

AFFIRMED.

Division Two holds:

This court finds that Lico Steel's four claims in its application failed to specifically state the reasons the award of the administrative law judge was in error. Two of Lico Steel claims in the application are insufficient under the plain language of the regulation, simply asserting that various aspects of the award were not supported by the evidence. Lico Steel's addition of the phrase "expert and medical evidence" to its two other claims--that the award was against the weight of the evidence and not supported by the evidence--fails to provide the required specificity as the bulk of the evidence in the workers' compensation suit was, in fact, expert and medical testimony.

The Commission did not err in dismissing Lico Steel's application for review for failure to comply with the regulation. Judgment affirmed.

Opinion by: Harold L. Lowenstein, Judge

February 10, 2009

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

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS, WESTERN DISTRICT

PAUL JONES, RESPONDENT

v.

**LICO STEEL, APPELLANT; TREASURER OF THE STATE OF MISSOURI -
CUSTODIAN OF THE SECOND INJURY FUND, RESPONDENT**

WD69637

LABOR AND INDUSTRIAL RELATIONS

Smart, J. authors a separate concurring opinion reflecting on the "two-track" system before the Commission and attempting to discern the rationale for rigorous enforcement of the regulation in question when the appellant plans to file a brief.

Concurring Opinion by James M. Smart, Jr., Judge

February 10, 2009

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