

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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

**Appellant,**

**v.**

**GLORIA STIERS,**

**Respondent.**

---

**DOCKET NUMBER WD75101**

**Date: October 9, 2012**

---

Appeal from:  
Labor and Industrial Relations Commission

---

Appellate Judges:  
Division One: James M. Smart, Presiding Judge, Lisa White Hardwick and Gary D. Witt,  
Judges

---

Attorneys:  
David M. Zugelter, Jefferson City, MO, for appellant.  
Christine M. Kiefer, Jefferson City, MO, for respondent.

# MISSOURI APPELLATE COURT OPINION SUMMARY

## COURT OF APPEALS -- WESTERN DISTRICT

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

**Appellant,**

v.

**GLORIA STIERS,**

**Respondent.**

WD75101

Labor and Industrial Relations Commission

Before Division One: James M. Smart, Presiding Judge, Lisa White Hardwick and Gary D. Witt, Judges

The Second Injury Fund appeals the Labor and Industrial Relations Commission's award of compensation to Gloria Stiers based on a finding that she was permanently and totally disabled by the combination of her preexisting disabilities and occupational disease. The Second Injury Fund contends the Commission's award was erroneous because an occupational disease does not qualify as a "compensable injury" for purposes of triggering Second Injury Fund liability under the workers' compensation statutes.

**AFFIRMED.**

Division One holds: The Commission did not err in awarding Stiers compensation from the Second Injury Fund. The plain language of Section 287.220, RSMo 2000, states that a "compensable injury" triggers Second Injury Fund liability. An injury by occupational disease that meets the definition and requirements contained in Section

287.067, RSMo Cum. Supp. 2011, is a compensable injury under the Workers' Compensation Law. Therefore, an injury by occupational disease that is compensable under Section 287.067 constitutes a "compensable injury" triggering Second Injury Fund liability under Section 287.220.

Opinion by: Lisa White Hardwick, Judge

October 9, 2012

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