

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**RANDOLPH COUNTY, MISSOURI**

**v.  
TAMMY MOORE-RANSELL**

**APPELLANT,**

**RESPONDENT.**

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DOCKET NUMBER WD76709

DATE: July 29, 2014

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Appeal From:

Labor and Industrial Relations Commission

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Appellate Judges:

Division Two: Gary D. Witt, Presiding Judge, Lisa White Hardwick, Judge and Alok Ahuja,  
Judge

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Attorneys:

Henry T. Herschel, Columbia, MO, for appellant.

Russell C. Still, Columbia, MO, for respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

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Judge

Randolph County appeals the Labor and Industrial Relations Commission's final award of workers' compensation benefits to its former employee, Tammy Moore-Ransdell ("Moore-Ransdell"). As a clerk for the Randolph County Assessor's office, Moore-Ransdell was responsible for updating property records cards. Because of defects in the filing system and the location of the file cabinet, one day Moore-Ransdell had to squat down and twist to remove a file from the tightly-jammed bottom file drawer. That day, Moore-Ransdell squatted down, reached into the back of the file drawer, and twisted her body as she attempted to remove the file. She immediately experienced extreme pain in her lower back. Moore-Ransdell's doctor described her resultant injuries as: "(1) Acute lumbar strain in February 2008; (2) Internal disc disruption to L3-4, L4-5 and L5-S1 secondary to work injury in February 2008; (3) Need for anterior lumbar fusion L3-4, L4-5 and L5-S1 secondary to work injury in February 2008." Her doctor opined that Moore-Ransdell was twenty-five percent permanently and partially disabled as a result of the February 2008 work-related injury. The Labor and Industrial Relations Commission found that Moore-Ransdell sustained her burden of proof that the work-related accident was the cause of her lower back pain, subsequent surgery, and related medical treatment.

Randolph County contends that the Commission erred in concluding that Moore-Ransdell suffered a compensable injury because: (1) the injury came from a hazard or risk to which she was equally exposed in her normal non-employment life; and (2) the accident at work was merely a triggering or precipitating factor and not the prevailing factor in causing her resulting medical condition and disability.

**Majority Opinion holds:**

**AFFIRMED**

(1) The evidence shows that Moore-Ransdell did not suffer the low back injury merely "bending over" at her place of employment. Rather, in attempting to perform her work activity of updating property cards, she squatted down to pull out a lower file drawer that was "extremely full," reached into the back of the file drawer, and twisted to remove the file from the tightly-packed drawer. The evidence here specifically linked Moore-Ransdell's work activity as

the cause of her lower back injury. Her risk of injury from squatting down, reaching into the back of a file drawer, and twisting to remove files from overfilled file drawers was a risk to which she would not have been equally exposed in her normal non-employment life.

(2) The record contains sufficient competent evidence to support the Commission's determination that Moore-Ransdell's workplace accident was the "prevailing" or "primary" factor that caused her injuries under Section 287.020.3(1). The Commission found credible Moore-Ransdell's physician's testimony that the lumbar strain from Moore-Ransdell's workplace accident "was the primary factor" in her overall condition and the resulting surgery. While the employer's expert gave a conflicting opinion as to causation, the Commission expressly found this testimony not to be as credible as Moore-Ransdell's physician.

**Judge Ahuja's Dissenting Opinion states:**

Judge Ahuja dissents. Judge Ahuja acknowledges that Moore-Ransdell's physician testified in conclusory terms that the workplace accident was the "prevailing factor" causing her disability. Nevertheless, consideration of the entirety of the physician's testimony and his examination notes – as required by the governing standard of appellate review – establishes that the workplace accident merely triggered pain from Moore-Ransdell's pre-existing degenerative disc disease. Even crediting the testimony of Moore-Ransdell's physician, it was the degenerative disc disease, not the "short-term" lumbar strain caused by the workplace accident, which rendered her permanently partially disabled. In these circumstances, the Commission's award of compensation is not supported by sufficient competent evidence in the record considered as a whole, and the award should accordingly be reversed.

Majority Opinion by Gary D. Witt, Judge with Judge Hardwick joining  
Dissenting Opinion by Alok Ahuja, Judge

July 29, 2014

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