

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

PREMIUM STANDARD FARMS, INC. & TRAVELERS INDEMNITY CO.,

Appellant-Respondents

MARLIEA NAVIS,

Respondent

v.

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

Respondent-Appellant

DOCKET NUMBER WD76756 Consolidated with WD76766

DATE: MAY 20, 2014

Appeal From:

Circuit Court of Labor and Industrial Relations

Appellate Judges:

Division One

Joseph M. Ellis, PJ., Karen King Mitchell, Anthony Rex Gabbert, JJ.,

Attorneys:

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**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**PREMIUM STANDARD FARMS, INC. &
TRAVELERS INDEMNITY CO.,**

Appellant-Respondents;

MARLIEA NAVIS,

Respondent,

v.

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

Respondent-Appellant.

**WD76756 Consolidated with WD76766
Labor and Industrial Relations**

Before Division One Judges: Joseph M. Ellis, PJ., Karen King Mitchell, Anthony Rex Gabbert, JJ.,

Premium Standard Farms, Inc. (the “Employer”) and the Second Injury Fund (the “Fund”) appeal the Labor and Industrial Relations Commission’s (the “Commission”) decision awarding workers’ compensation to Marilea Navis (the “Employee”). The Employer and the Fund each raise one point on appeal. The Employer argues that the Commission erred in holding that the Employee’s work at the Employer’s facilities was a substantial factor in her contracting Legionnaire’s Disease because there was insufficient competent evidence on the record to support such a finding. The Fund argues that the Commission erred in finding it is liable for permanent and total disability benefits because the Employee was permanently and totally disabled by the last accident alone.

AFFIRM.

Division One holds:

The Commission did not err in holding that the Employee’s work at the Employer’s facilities was a substantial factor in her contracting Legionnaire’s Disease because there was sufficient competent evidence on the record. The Commission believed the Employee’s medical expert who testified that power washing the hog barns for the Employer caused the Employee to contract Legionella bacteria. We further conclude that the Commission did not err in finding the Fund liable for permanent and total disability benefits because there was sufficient competent evidence on the record that the Employee’s pre-existing COPD, combined with the residual effects of pneumonia, caused the Employee to suffer from a greater degree of disability than would have resulted in the absence of her COPD condition.

Opinion by Anthony Rex Gabbert, Judge

Date: May 20, 2014

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