Summary of SC98122 consolidated with SC98124, *Maral Annayeva v. SAB of the TSD of the City of St. Louis and Treasurer of Missouri as Custodian of the Second Injury Fund*
Appeal from the labor and industrial relations commission
Argued and submitted February 11, 2020; opinion issued March 17, 2020

Attorneys: Annayeva was represented by Dean L. Christianson of Schuchat, Cook & Werner in St. Louis, (314) 621-2626; the transitional school district's special administrative board was represented by Matthew D. Leonard of Early & Miranda PC in St. Louis, (314) 241-3030; and the treasurer was represented by Caroline Bean and David L. McCain Jr. of the attorney general's office in Jefferson City, (573) 751-3321.

This summary is not part of the opinion of the Court. It has been prepared by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: A woman injured after falling at work appeals the denial of workers' compensation benefits. In a unanimous decision written by Judge Zel M. Fischer, the Supreme Court of Missouri affirms the labor and industrial relations commission's decision. This Court is bound by the commission's factual findings that the woman failed to present any credible evidence of any hazard or risk to which she would not have been exposed equally in her normal, nonemployment life. As such, she failed to prove her injury arose out of and in the course of employment.

Facts: Maral Annayeva was employed as a teacher at Roosevelt High School. One day, she slipped and fell on the school's linoleum floor. She was taken for treatment to the school nurse's office and completed an accident report, stating she could not determine what caused her fall. She went to the emergency room that day and the next due to pain; her employer also referred her to Concentra for medical treatment. Concentra provided her with a knee brace and ordered physical therapy, which she attended twice. She sought additional medical treatment for a number of symptoms on her own. Annayeva also sought workers' compensation benefits, which an administrative law judge denied. Annayeva appealed to the labor and industrial relations commission, which affirmed the denial of benefits. The commission found any evidence that the linoleum floor was soiled the day of the accident was not credible, noting neither Annayeva's accident report nor initial treatment reports indicated anything about a hazardous condition on the floor. The commission held, without additional evidentiary support that the floor was hazardous, the only risk was that of walking, to which Annayeva was exposed equally in normal, nonemployment life. Annayeva appeals.

AFFIRMED.

Court en banc holds: Annayeva failed to prove her injury arose out of and in the course of her employment. This Court is bound by the commission's findings that her testimony about the condition of the floor was not credible. Although Annayeva showed she fell at work, she failed to produce any credible evidence that the floor's condition was hazardous and, therefore, that her walk into school was any different from any other walk taken in her normal, nonemployment life. Failing to prove the hazard or risk involved was one to which she would not have been exposed equally outside of work is fatal to her workers' compensation claim.