OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

CHERISSE WILLIAMS,	)	No. ED108262
	)	
Appellant,	)	Appeal from the Labor and Industrial Relations Commission
	)	
vs.	)	
	)	
TREASURER OF MISSOURI AS CUSTODIAN OF SECOND INJURY FUND,	)	
	)	
Respondent.	)	Filed: April 7, 2020

Cherisse Williams (Appellant) appeals from the decision of the Labor and Industrial Relations Commission (Commission) affirming the decision of the administrative law judge (ALJ) awarding permanent partial disability benefits and denying Appellant's claim for permanent total disability benefits. Appellant claims the Commission's decision misapplied the law, and the award was against the overwhelming weight of the evidence and unsupported by substantial evidence, in that the Commission erroneously required the physician who testified as to Appellant's work-related injury state his opinion on Appellant's ability to obtain future employment. Further, Appellant argues she presented sufficient uncontroverted evidence to the Division to show she was permanently totally disabled.

REVERSED and REMANDED with instructions.

Division Three Holds: The Commission erred by requiring the physician who testified regarding Appellant's work-related injury to state an opinion as to Appellant's ability to obtain future employment. Sustaining a claim under the Workers' Compensation Act does not require a physician state an ultimate conclusion about a claimant's employability, which is a factual matter about which a physician may not be competent to testify. Further, the award was against the overwhelming weight of the evidence, and unsupported by substantial evidence, because Appellant presented sufficient uncontroverted evidence to establish her permanent total disability, and the Commission was not free to arbitrarily ignore such evidence. The case is reversed and remanded to the Commission with instruction to enter an award in favor of Appellant consistent with this opinion.

Opinion by: Sherri B. Sullivan, J. Mary K. Hoff, P.J., and Angela T. Quigless, J., concur.

Attorney for Appellant: Kevin D. Wayman
Attorney for Respondent: Mathew Kincade

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.