OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

SABRINA WILLIAMS,	)	No. ED108393
	)	
Respondent,	)	Appeal from the Labor and
	)	Industrial Relations Commission
vs.	)	
	)	
CITY OF JENNINGS,	)	
	)	
Appellant,	)	
and	)	
	)	
TREASURER OF MISSOURI	)	
AS CUSTODIAN OF THE SECOND	)	
INJURY FUND,	)	
	)	
Respondent.	)	Filed: July 28, 2020

City of Jennings ("Employer") and its insurer Missouri Employers Mutual Insurance Company appeal the decision of the Labor and Industrial Relations Commission ("Commission") affirming the award and decision of the Administrative Law Judge awarding permanent total disability benefits to Sabrina Williams ("Claimant"). Employer does not challenge the Commission's finding that Claimant is permanently and totally disabled, but rather it challenges the Commission's findings both that Claimant's permanent total disability was due to the work injury alone and thus that Employer was solely liable for Claimant's disability benefits rather than apportioning some of the liability to the Missouri Second Injury Fund ("Fund").

REVERSED AND REMANDED.

Division Four Holds: The Commission erred in concluding Claimant's permanent total disability was attributable solely to the work injury and Employer was solely liable, because the award was not supported by sufficient competent evidence in the record. Rather, uncontradicted and unimpeached medical testimony here demonstrated Claimant's pre-existing partial disability constituted a hindrance or obstacle to employment or re-employment in that her pre-existing conditions combined with the conditions resulting from the work injury to bring about a greater degree of disability than would have resulted if there had been no such prior conditions, thus triggering partial Fund liability.

Opinion by: Robin Ransom, J.
James M. Dowd, P.J., and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellants: Patrick N. McHugh

Attorneys for Respondents: Mark E. Moreland and Ellen J. Hudson

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.