OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

CONSTANCE COMPARATO,	)	No. ED108870
	)	
Appellant,	)	Appeal from the Labor and
	)	Industrial Relations Commission
vs.	)	
	)	
LYN FLEX WEST, ET AL.,	)	
	)	
Respondent.	)	Filed: November 3, 2020

Constance Comparato ("Claimant") appeals from the Labor and Industrial Relations Commission's ("Commission") decision affirming the Administrative Law Judge's ("ALJ") denial of Workers' Compensation benefits for Claimant's shoulder injury. Claimant was a factory worker for Lyn Flex-West ("Employer"). Claimant alleges she injured her shoulder at work due to repetitive arm motion in her job. Claimant's injury required shoulder surgery to repair her torn rotator cuff. Claimant brings three points on appeal. In her first point, Claimant argues the Commission erred by elevating her burden of proof and finding she did not prove she sustained an occupational disease as a result of her work for Employer. In her second and third points, Claimant argues the Commission erred by finding Dr. Strege's opinion of causation more credible than Dr. Poetz's opinion and argues Dr. Strege's opinion is not supported by competent and substantial evidence. Claimant further argues the Commission's award was against the overwhelming weight of the evidence.

AFFIRMED.

DIVISION IV HOLDS: Claimant's first point on appeal is without merit. We review the decision of the Commission not the ALJ. The Commission affirmed the ALJ's denial of benefits after independently weighing the competing causation testimony of the expert witnesses finding Dr. Strege more credible than Dr. Poetz. The Commission did not increase Claimant's burden of proof. *See Townser v. First Data Corp.*, 215 S.W.3d 237, 243-44 (Mo. App. E.D. 2007).

Claimant's second and third points on appeal are also without merit. Claimant failed to follow the mandatory analytical formula required to prove the Commission's findings were unsupported by substantial and competent evidence. *Schlereth v. Aramark Uniform Servs., Inc*, 589 S.W.3d 645, 652 (Mo. App. E.D. 2019). Further, Claimant's argument would have failed even if she followed the formula because the Commission's findings were supported by substantial and competent evidence. *Nichols v. Belleview R-III Sch. Dist.*, 528 S.W.3d 918, 929 (Mo. App. S.D. 2017).

Accordingly, we affirm the trial court's judgment.

Opinion by: Philip M. Hess, J.
Gary M. Gaertner, Jr., P.J. and Michael E. Gardner, J. concur.

Attorney for Appellant: Ronald D. Edelman

Attorney for Respondent: John D. Dietrick, David L. McCain, Jr., and Deidre F. Wood

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