MISSOURI COURT OF APPEALS
WESTERN DISTRICT

JONATHAN MIRFASIHI,
APPELLANT

vs.

HONEYWELL FEDERAL MANUFACTURING & TECHNOLOGIES, LLC,
RESPONDENT

DOCKET NUMBER WD84136

DATE: MARCH 30, 2021

Appeal from:

The Labor and Industrial Relations Commission

Appellate Judges:

Division Two: W. Douglas Thomson, Presiding Judge, Lisa White Hardwick, Judge and Edward R. Ardini, Jr., Judge

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Attorneys:

Devin P. Mirfasihi, for Appellant

Thomas J. Walsh, for Respondent

M. Joan Klosterman, Co-counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

JONATHAN MIRFASIHI, APPELLANT,
v.
HONEYWELL FEDERAL MANUFACTURING & TECHNOLOGIES, LLC, RESPONDENT.

WD84136 Labor & Industrial Relations

Before Division Two Judges: W. Douglas Thomson, Presiding Judge, Lisa White Hardwick, Judge, and Edward R. Ardini, Jr., Judge

Jonathan Mirfasihi ("Mirfasihi") worked for Respondent Honeywell Federal Manufacturing & Technologies, LLC ("Honeywell") as a program manager. Beginning in late 2016 or early 2017, Mirfasihi began experiencing pain in his left thumb that he associated with using the computer keyboard. At the direction of Honeywell, Mirfasihi saw a medical provider, who concluded that the cause of Mirfasihi's symptoms was osteoarthritis and not his work-related activities. Based on this information, Honeywell did not accept Mirfasihi's claim as compensable and did not pay for any future medical care relating to his left thumb. Mirfasihi retired from Honeywell in May 2017 and began working for another employer in a similar position.

In July 2017, Mirfasihi filed a claim for compensation with the Division of Workers' Compensation, asserting he sustained a "left hand and left thumb repetitive motion injury or disease" on March 15, 2017 while employed by Honeywell. In September 2017, he saw a medical provider who assessed him as having "left trigger thumb" and gave him a steroid injection. In January 2018, Mirfasihi underwent a "left thumb A1 pulley release" surgery. Mirfasihi's thumb no longer "triggered" after the surgery, but he did not have full range of motion in his thumb and he reported some residual soreness.

At the request of his counsel, in September 2018, Mirfasihi underwent an examination by Dr. Neighbor, an orthopedic surgeon. Dr. Neighbor concluded that Mirfasihi suffered a work injury on March 15, 2017 while employed by Honeywell, and that the work injury was an "aggravation of the osteoarthritis of the joints and a trigger thumb at the A1 pulley in the left hand." Dr. Neighbor stated the cause of Mirfasihi's injury was the repetitive motion of intense computer use, including keyboarding. At the request of Honeywell's counsel, in July 2019, Mirfasihi underwent an examination by Dr. Walker, also an orthopedic surgeon, who concluded that Mirfasihi's job-related activities at Honeywell were not consistent with being the cause of his left trigger thumb and osteoarthritis.

In November 2019, the parties appeared for a hearing before an administrative law judge with the Workers' Compensation Division ("ALJ"). Mirfasihi testified at the hearing, and stated that the work duties at Honeywell which caused him pain in his left hand were using the keyboard,

carrying his briefcase and suitcase, and opening doors. In January 2020, the ALJ issued an award finding Mirfasihi suffered a compensable injury as a result of his "repetitive job duties" while working for Honeywell, which included typing on the keyboard, using his left hand to open heavy security doors, and carrying a briefcase. The ALJ determined that Mirfasihi was entitled to over $22,000.00 in compensation.

Honeywell appealed to the Labor and Industrial Relations Commission ("Commission"). In October 2020, the Commission issued a Final Award Denying Compensation, reversing the decision of the ALJ. The Commission found that there was no medical expert evidence in the record to support the conclusion that Mirfasihi's activities of opening heavy doors and carrying a briefcase contributed to his injury, and that Mirfasihi failed to demonstrate his work duties were the prevailing factor causing his thumb injury. Mirfasihi appeals.

AFFIRMED.

Division Two holds:

(1) The Commission did not err in finding the record lacked medical expert evidence as to the effect of Mirfasihi's actions of opening doors and carrying a briefcase with his left hand. Although Dr. Walker described possible risk factors of trigger thumb to include certain types of heavy or repetitive gripping or squeezing, Dr. Walker did not consider or opine whether Mirfasihi's actions resulted in that type of gripping or squeezing because Mirfasihi never reported to Dr. Walker—or any medical provider—that opening doors or carrying his briefcase caused him pain or triggering.

(2) The Commission did not err in finding that Mirfasihi failed to demonstrate his work duties were the prevailing factor causing his thumb injury. Mirfasihi was required to prove that his work duties caused his medical condition. He asserts that he proved his osteoarthritis caused his trigger thumb. But proving that his osteoarthritis caused his trigger thumb, without proving that working conditions caused his osteoarthritis or trigger thumb, would not establish he suffered an occupational accident or disease.

(3) The Commission did not "ignore" the "favorable" opinions of Dr. Walker; rather the opinions—when considering the entirety of Dr. Walker's findings, including his finding that Mirfasihi's work duties did not cause his medical condition—simply were not favorable to Mirfasihi, and did not provide support for his claim.

(4) The Commission did not impermissibly disregard the "undisputed and uncontroverted testimony of Mr. Mirfasihi." While we agree Mirfasihi's testimony describing the repetitive activities he performed at work was not controverted by any witness, that testimony did not establish causation. Additionally, the Commission cited to Mirfasihi's testimony describing his work activities and symptoms. Thus, we find the Commission did not disregard Mirfasihi's testimony and that such testimony did not establish Mirfasihi's work duties caused his medical condition.

Opinion by: Edward R. Ardini, Jr., Judge Date: March 30, 2021

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