MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

DIVISION THREE

CHRISTOPHER KLECKA,	)	No. ED108721
	)	
Claimant/Appellant,	)	Appeal from the Labor and
	)	Industrial Relations Commission
vs.	)	
	)	
TREASURER OF MISSOURI AS CUSTODIAN OF THE SECOND INJURY FUND,	)	
	)	
Respondent.	)	Filed: June 22, 2021

Angela T. Quigless, P.J., Kurt S. Odenwald, J., and James M. Dowd, J.

Christopher Klecka appeals the decision of the Labor and Industrial Relations Commission reversing the Administrative Law Judge's award in Klecka's favor and against the Second Injury Fund (the Fund) for permanent and total disability (PTD) benefits. The Commission held that Klecka failed to carry his burden to establish his PTD claim against the Fund under section 287.220.3's provisions applicable to this post-January 1, 2014 PTD claim, because Klecka's experts' failed to confine their ultimate opinions that Klecka was PTD solely to one qualifying prior disability in combination with the disability resulting from the primary injury.

On appeal, Klecka argues the Commission misinterpreted section 287.220.3. We agree.

REVERSED AND REMANDED.

DIVISION III HOLDS: Klecka satisfied the requirements of section 287.220.3 and it was proper that his experts considered, in addition to his qualifying disability and primary injury, the medical and non-medical factors relevant to Chapter 287's definition of total disability found at section 287.020.6 because:

(1) Section 287.220.3 specifically incorporated section 287.020.6's broad definition of permanent and total disability into the analysis of PTD claims against the Fund which means that other medical and non-medical factors such as age, education, work experience, training, and physical condition remain proper considerations in a post-2014 PTD claim against the Fund so long as the claimant has satisfied the 50-week minimum pre-existing disability.

Opinion by: James M. Dowd, J.
Angela T. Quigless, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: James J. Sievers

Attorney for Respondent: Madalyn J. Campbell

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.