MISSOURI COURT OF APPEALS
WESTERN DISTRICT

GABRIEL GILBERT, Appellant,
v.
CITY OF GRANDVIEW, MO, Respondent.

DOCKET NUMBER WD88375

DATE: September 8, 2026

Appeal From:

Labor and Industrial Relations Commission

Appellate Judges:

Division Four: Edward R. Ardini, Jr., Chief Judge, Presiding, Alok Ahuja, Judge, and Cynthia L. Martin, Judge

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Attorneys:

Clinton D. Collier, Overland Park, KS, for Respondent

Michelle A. Rebman, Kansas City, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

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WESTERN DISTRICT

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v.
CITY OF GRANDVIEW, MO, Respondent.

WD88375 Labor and Industrial Relations Commission

Before Division Four Judges: Edward R. Ardini, Jr., Chief Judge, Presiding, Alok Ahuja, Judge, and Cynthia L. Martin, Judge

While working as a police officer for the City of Grandview in July 2016, Gabriel Gilbert injured his right knee while chasing a suspect on foot. Gilbert filed a claim for workers' compensation benefits.

An Administrative Law Judge ("ALJ") determined that Gilbert had suffered a compensable injury which resulted in a 30% permanent partial disability to his right knee, and which required not only that he undergo arthroscopic surgery, but also a total knee replacement. On review, the Labor and Industrial Relations Commission reversed the ALJ's decision in large part. The Commission concluded that Gilbert had sustained a permanent partial disability of only 17.5% of the right knee as a result of the July 2016 accident. The Commission also concluded that the City was not liable for the cost of Gilbert's artificial knee replacement, because that surgery was not necessary to cure or relieve the injury Gilbert sustained in July 2016.

Gilbert appeals.

AFFIRMED.

Division Four holds:

1. It is not necessary to the Labor and Industrial Relations Commission, or an administrative law judge, to have "additional significant evidence" before entering a final workers' compensation award reaching a different result from a temporary award. Section 287.510, RSMo provides that temporary workers' compensation awards "may be modified . . . to meet the needs of the case," and that a temporary award "may be kept open until a final award can be made." Temporary awards are tentative, provisional, and are not binding in subsequent proceedings. The Workers' Compensation Law does not require "additional significant evidence" before a temporary award can be modified, and

neither this Court nor the Commission can impose such a requirement when it does not appear in the statute.

2. Substantial competent evidence supported the Commission's decision that Gilbert's total knee replacement surgery was not reasonably necessary to cure and relieve the effects of his July 2016 workplace injury. Both Gilbert's long-time treating physician, and the physician who actually performed his knee replacement surgery, concluded that the knee replacement was necessitated by pre-existing degenerative disease in Gilbert's right knee, unrelated to his July 2016 injury. While Gilbert presented the testimony of a retained expert, who opined that Gilbert's knee replacement *was* associated with his July 2016 injury, the Commission had a substantial evidentiary basis to find that testimony not to be credible. The retained expert had examined Gilbert only once, seven years after the July 2016 injury. Further, the retained expert's opinions conflicted with the opinions of Gilbert's two treating physicians.

Opinion by: Alok Ahuja, Judge September 8, 2026

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