

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

SHARON LAWRENCE, Appellant,)	No. ED93731
)	
v.)	Appeal from the Labor and
)	Industrial Relations Commission
ANHEUSER BUSCH COMPANIES, INC.,)	
Respondent.)	Filed: April 27, 2010

Sharon Lawrence ("Claimant") appeals from the decision of the Labor and Industrial Relations Commission ("the Commission"). Claimant asserts the Commission erred in denying her claim for workers' compensation benefits and finding her claim for tinnitus was barred by the statute of limitations.

REVERSED AND REMANDED.

Division Two holds: As tinnitus is a separate and distinct occupational disease from occupational deafness, Claimant's claim for tinnitus was not barred by the statute of limitations under Section 287.197.7, RSMo 2000. Claimant's claim for tinnitus is controlled by Section 287.063.3, RSMo 2000. Because when an injury is reasonably discoverable is a question of fact to be determined by the Commission and the Commission did not make a factual determination on this issue, we remand to the Commission to make a determination as to when Claimant's tinnitus was reasonably discoverable.

Opinion by: Robert G. Dowd, Jr., J.
Sherri B. Sullivan, P.J. and Patricia L. Cohen, J., concur.

Attorney for Appellant:

Jeffrey Damerall

Attorneys for Respondent:

Todd D. Hilliker and Juan F. Arias

**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.**