

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION ONE

GAROLD SAVAGE, Respondent,	)	No. ED93869
	)	
v.	)	Appeal from the Labor and
	)	Industrial Relations Commission
TREASURER OF MISSOURI AS	)	Case No. 07-044669
CUSTODIAN OF SECOND INJURY	)	
FUND, Appellant.	)	Filed: April 27, 2010

#### OPINION SUMMARY

The Treasurer of the State of Missouri, Custodian of the Second Injury Fund (“the Fund”) appeals from a judgment of the Labor and Industrial Relations Commission (“the Commission”) affirming the decision of the Administrative Law Judge (“ALJ”) awarding Garold Savage (“Claimant”) permanent and total disability. The Fund raises one point on appeal. The Fund claims that the Commission erred in applying an incorrect standard of causation and awarding benefits to an employee who failed to prove a compensable work injury.

JUDGMENT AFFIRMED.

DIVISION ONE HOLDS: There was substantial and competent evidence to support the Commission’s determination that the May 31, 2007 injury was the prevailing factor in causing both Claimant’s medical condition and disability.

Opinion by: Nannette A. Baker, J.

Kathianne Knaup Crane, P.J. and Clifford H. Ahrens, J., concur.

Attorney for Appellant: Kristin Marie Frazier

Attorneys for Respondent: Michael A. Gerritzen

<p><b>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.</b></p>
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