

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

TERRY HORNBECK,)	No. ED95680
)	
Claimant/Appellant,)	Appeal from the Labor and Industrial
)	Relations Commission
vs.)	
)	
SPECTRA PAINTING, INC.,)	
)	
Employer/Respondent,)	
)	
and)	
)	
TREASURER OF THE STATE OF)	
MISSOURI SECOND INJURY FUND,)	
)	
Respondent.)	FILED: September 6, 2011

Terry Hornbeck ("Claimant") appeals the findings of the Labor and Industrial Relations Commission ("Commission") that he had reached maximum medical improvement, was not entitled to unpaid medical expenses and future treatment and was not entitled to attorney's fees and costs.

AFFIRMED IN PART; REVERSED AND REMANDED IN PART

Division One Holds: The 15% penalty pursuant to Section 287.120.4 RSMo shall be applied to the PPD benefits awarded, including the indemnity amount, and to the TTD and medical benefits already paid. The penalty will not be applied to the benefits payable by the Second Injury Fund. We find that the remainder of the Commission's decision was supported by sufficient competent evidence and is affirmed.

Opinion by: Roy L. Richter, J.
Clifford H. Ahrens, P.J., and Gary M. Gaertner, Jr., J., concur

Attorney for Appellant: Charles W. Bobinette

Attorneys for Respondent: Michael P. McDonald, Jr.

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.