

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

DIVISION TWO

UNITED STATES DEPARTMENT OF	)	No. ED97042
VETERANS AFFAIRS,	)	
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	the City of St. Louis
v.	)	Cause No. 1122-CC00008
	)	Honorable Mark H. Neill
KARLA O. BORESI,	)	
CHIEF ADMINISTRATIVE LAW JUDGE,	)	
	)	
Respondent.	)	Filed: March 20, 2012

Appellant U.S. Department of Veteran’s Affairs (“VA”) appeals the judgment of the circuit court denying a petition for writ of mandamus requesting the Administrative Law Judge (“ALJ”) for the Missouri Labor and Industrial Relations Commission, Division of Workers’ Compensation (“DWC”) to allow VA to intervene as a party in a pending workers’ compensation case for Veteran Mark Hollis (“Hollis”).

AFFIRMED.

DIVISION TWO HOLDS: Hollis received unauthorized treatment from the VA’s medical facility. On these facts, Missouri workers’ compensation law does not permit the ALJ to allow the VA to intervene as private provider of unauthorized medical care. Further, 38 U.S.C. 1729 (2006) does not allow the VA to intervene because as the recipient of unauthorized care, Hollis was not entitled to payment from his employer or employer’s insurer. Therefore, ALJ was not permitted to allow the VA to intervene, and the circuit court did not err in denying the petition for writ of mandamus.

Opinion by: Kenneth M. Romines, J.  
Kathianne Knaup Crane, P.J. and Lawrence E. Mooney, concur.

Attorneys for Appellant: Paul Petraborg

Attorneys for Respondent: James R. Layton

**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.**