

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JAMES E. SANDERS, Respondent,)	No. ED97962
)	
vs.)	Appeal from the Circuit Court
)	of the City of St. Louis
THE FIREMEN’S RETIREMENT)	
SYSTEM OF ST. LOUIS, et al., Appellants.))	Hon. Mark H. Neill
)	Filed: March 5, 2013

The Board of Trustees of the Firemen’s Retirement System of St. Louis (“the Board”) appeals from the judgment of the trial court reversing the Board’s decision to deny the application of James Sanders (“Sanders”) for accidental disability benefits. The Board argues the trial court erred in granting Sanders’ application for accidental disability benefits based upon its finding that he is totally and permanently incapacitated for duty as the natural and proximate result of the December 13, 2007 work accident, instead of as a result of preexisting degenerative conditions in his lower back.

REVERSED.

Division Three holds: The trial court erred in reversing the Board’s decision and granting Sanders’ application for accidental disability benefits based upon its finding that Sanders is totally and permanently incapacitated for duty as the natural and proximate result of the December 13, 2007 work accident.

Opinion by: Robert G. Dowd, Jr., P.J.
Roy, L. Richter, J. and Angela T. Quigless, J., concur.

Attorneys for Appellant: Daniel Emerson, Nancy R. Kistler

Attorneys for Respondent: Stephen W. Thurmer, Richard J. Lecinski

**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.**