

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

ARAMARK EDUCATIONAL SERVICES, INC., ET AL.,)	No. ED99439
)	
Appellants,)	Appeal from the Labor and Industrial Relations Commission
)	
vs.)	
)	
LEOTHA FAULKNER,)	
)	
Respondent.)	FILED: September 3, 2013

Aramark Educational Services, Inc. ("Employer") and Indemnity Insurance Company of North America, Inc. ("Insurer") appeal from the final order of the Labor and Industrial Relations Commission ("Commission") awarding Leotha Faulkner ("Claimant") temporary total disability benefits and 20% permanent partial disability benefits as a result of an injury Claimant sustained while working for Employer.

REVERSED AND REMANDED.

Division One Holds: Claimant failed to provide Employer with proper, timely notice of her injury as required by Section 287.420, and also failed to prove a "lack of prejudice" to Employer for her untimely notice. The Commission and Claimant incorrectly equated Employer's admission of Claimant's injury occurring in the course and scope of her employment with an admission of no prejudice. However, admission of a claimant's injury does not relieve a claimant of his or her duty to establish a lack of prejudice for an untimely notice. Claimant proffered no evidence that her untimely notice caused no prejudice to Employer.

Opinion by: Roy L. Richter, P.J.
Clifford H. Ahrens, J., and Glenn A. Norton, J., concur.

Attorneys for Appellant: David I. Hares, Robert J. Amsler, Jr.
Attorneys for Respondent: Sam W. Eveland

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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