

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

JUDITH FLACK,)	No. ED99711
)	
Respondent,)	
)	
vs.)	
)	Appeal from the Labor and Industrial
)	Relations Commission
ST. JOHN'S MERCY)	
MEDICAL CENTER,)	
)	
Appellant.)	FILED: October 22, 2013

St. John's Mercy Medical Center (Employer) appeals the decision of the Labor and Industrial Relations Commission awarding twenty-five percent permanent partial disability benefits in favor of Judith Flack (Employee). Employer asserts that the Commission erred because the evidence does not support its decision. Specifically, Employer argues that Claimant's expert was less credible than its own expert and the Commission should have attributed more of Employee's disability to other factors.

AFFIRMED.

DIVISION ONE HOLDS: This court's standard of review defeats Claimant's appeal. Acceptance or rejection of medical evidence is for the Commission. The Commission is free to choose between two opposing experts, and this court will not disrupt such choices even if the competing expert is worthy of belief. The Commission expressly found Dr. Woiteshek's opinion more persuasive than that of Dr. Coyle. Our standard of review mandates deference to that determination, and Woiteshek's report is sufficient competence evidence to support the Commission's finding.

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

Attorney for Appellant: Stephen A. McManus

Attorney for Respondent: Sam Warren Eveland

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IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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