

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

RICKY D. WILSON, JR.,

Appellant

v.

RICKY WILSON, JR.,

Respondent

DOCKET NUMBER WD73742

DATE: December 20, 2011

Appeal From:

Labor and Industrial Relations Commission

Appellate Judges:

Division One

Alok Ahuja, P.J., Thomas H. Newton, and James Edward Welsh, JJ.

Attorneys:

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**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**RICKY D. WILSON, JR., Appellant, v.
RICKY WILSON, JR., Respondent**

WD73742

Labor and Industrial Relations Commission

Before Division One Judges: Ahuja, P.J., Newton, and Welsh, JJ.

Ricky D. Wilson, Jr., appeals the Labor and Industrial Relations Commission's decision that he is not entitled to workers' compensation benefits. The Commission determined that Wilson did not meet his burden of establishing that his injury arose out of and in the course of his employment. Wilson contends that the Commission incorrectly applied the dual purpose doctrine and mutual benefit doctrine because the evidence established that he was injured during a trip motivated by business. Wilson also contends that the Commission's finding that Wilson had deviated from his employment was contrary to the overwhelming weight of the evidence because the evidence established that Wilson's business objective had not been abandoned and that he had not engaged in any personal activity unrelated to his job at the time of his injury. Finally, Wilson asserts that the Commission erred in finding that he had deviated from his employment because the Commission failed to consider that Wilson was acting for the mutual benefit of his business as he was in need of and was going to get gasoline for his vehicle to complete his business trip at the time of the accident.

AFFIRMED.

Division One holds:

Wilson did not meet his burden of establishing that his injury arose out of and in the course of his employment. The Commission's decision that Wilson had deviated from his employment was supported by competent and substantial evidence and was not contrary to the overwhelming weight of the evidence. The evidence established that, at the time of the accident, Wilson had deviated from his route to Iseman Mobile Homes in Chillicothe and was traveling to Francis's property where he planned to hunt.

Opinion by James Edward Welsh, Judge

December 20, 2011

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