

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

ARSENIO ARCIGA,

Appellant

v.

AT&T.

Respondent

DOCKET NUMBER WD74226

DATE: May 9, 2012

Appeal From:

Labor and Industrial Relations Commission

Appellate Judges:

Division One

Joseph M. Ellis, P.J., James Edward Welsh, and Alok Ahuja, JJ.

Attorneys:

Keith Mark, Mission, KS

Counsel for Appellant,

Attorneys:

Thomas Clinkenbeard, Kansas City, MO

Counsel for Respondent

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

**ARSENIO ARCIGA, Appellant, v.
AT&T, Respondent**

WD74226

Industrial Relation Commission

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

Arsenio Arciga appeals the Labor and Industrial Relations Commission's decision denying him workers' compensation benefits. He claims that the Commission's determination that he failed to prove that, on February 23, 2010, he suffered an accident arising out of his employment with AT&T, was not supported by substantial evidence.

AFFIRMED

Division One holds:

Competent and substantial evidence supported the Commission's conclusion that Arciga failed to prove that, on February 23, 2010, he suffered an accident arising out of his employment with AT&T. From the testimony of Arciga's co-worker and from the fact that Arciga did not mention in the chiropractic patient information form that the truck incident caused the shoulder injury to occur, the Commission could infer that Arciga did not push or attempt to lift his co-worker's vehicle from behind on February 23, 2010.

Opinion by James Edward Welsh, Judge

May 9, 2012

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