

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

PALMENTERE BROTHERS CARTAGE SERVICE,

Appellant,

v.

**WANDA WRIGHT, Respondent; TREASURER OF THE STATE OF MISSOURI -
CUSTODIAN OF THE SECOND INJURY FUND,**

Respondent.

DOCKET NUMBER WD75921

Date: September 3, 2013

**Appeal from:
LABOR AND INDUSTRIAL RELATIONS COMMISSION**

**Appellate Judges:
Division Three: Lisa White Hardwick, Presiding Judge, Mark D. Pfeiffer and Cynthia L.
Martin, Judges**

**Attorneys:
Douglas M. Greenwald and Eric T. Lanham, Kansas City, MO, for appellant.
Eric W. Lowe, Kansas City, MO, and Donald T. Taylor, Kansas City, KS, for respondent.**

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

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LABOR AND INDUSTRIAL RELATIONS COMMISSION

Before Division Three: Lisa White Hardwick, Presiding Judge, Mark D. Pfeiffer and
Cynthia L. Martin, Judges

Palmentere Brothers Cartage Service ("Palmentere") appeals from the Labor and Industrial Relations Commission's ("Commission") final award that found Wanda Wright to be permanently and totally disabled as result of her work injury and, therefore, did not assess liability against the Treasurer of the State of Missouri as Custodian for the Second Injury Fund. Palmentere contends the Commission's finding that Wright's permanent total disability was the result of the last injury alone is unsupported by competent and substantial evidence. Specifically, Palmentere argues that the Commission improperly disregarded uncontroverted medical and vocational opinions that Wright's permanent total disability was attributable to a combination of the last injury and preexisting disabilities.

AFFIRMED.

Division Three holds:

Competent and substantial evidence supports the Commission's conclusion that Wright suffered a permanent total disability solely as a result of her primary work injury. In determining the extent of disability, the Commission was free to reject uncontroverted medical and vocational opinions. Wright's own testimony regarding the severity of her disability, as well as her corroborating medical records, constituted competent and substantial evidence that the primary work injury standing alone rendered her permanently and totally disabled.

Opinion by: Lisa White Hardwick, Judge

September 3, 2013

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.