

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

FAUSTO FRANCO-LOPEZ,

Appellant

v.

JOSE MARTINEZ.

Respondent

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DOCKET NUMBER WD76942

DATE: JUNE 3, 2014

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Appeal From:

Labor and Industrial Relations Commission

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Appellate Judges:

Division One

Joseph M. Ellis PJ., Karen King Mitchell, Anthony Rex Gabbert, JJ.

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Attorneys:

Brian Stokes, St. Louis, MO. Counsel for Appellant,

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Attorneys:

Mary Anne Lindsey, St. Louis, MO. Counsel for Respondent

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

**FAUSTO FRANCO-LOPEZ,**  
**Appellant,**

v.

**JOSE MARTINEZ,**  
**Respondent.**

**WD76942**

**Labor and Industrial Relations Commission**

Before Division One Judges: Joseph M. Ellis PJ., Karen King Mitchell, Anthony Rex Gabbert, JJ.

Fausto Franco-Lopez (the “Employee”) appeals the Labor and Industrial Relations Commission’s (the “Commission”) decision denying him compensation because it lacked jurisdiction over his claim. First, the Employee argues that the Commission erred in not providing basic findings of fact for its decision because the Commission found some of the administrative law judge’s (“ALJ”) findings of fact incorrect. Second, the Employee argues that the Commission erred in finding that it lacked jurisdiction and denying him compensation because there is uncontested testimony by the Employee that there was an employment contract with Jose Martinez (the “Employer”) that was formed in Missouri. Lastly, the Employee argues that the Commission erred in denying his claim on the basis that he initiated a worker’s compensation claim in Kansas and allegedly elected a remedy there.

**AFFIRM.**

**Division One holds:**

The Commission did not err (1) in denying the Employee compensation because there was competent and substantial evidence on the whole record to support the Commission’s finding that the Employee failed to meet his burden of proving Missouri jurisdiction; (2) by not including its own basic findings of fact because the Commission adopted and supplemented the ALJ’s findings of fact in its decision; and (3) in denying the Employee’s claim on the basis that the Employee had initiated a worker’s compensation claim in Kansas because there was no basis on the record to support Employee’s argument.

Opinion by Anthony Rex Gabbert, Judge

Date: 6/3/14

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