

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

JOHNSON CONTROLS, INC.,

Appellant

v.

DAVID TRIMMER.

Respondent

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DOCKET NUMBER WD77948

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

DATE: April 21, 2015

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Appeal From:

LABOR AND INDUSTRIAL RELATIONS COMMISSION

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Appellate Judges:

Division One

James Edward Welsh, P.J., Thomas H. Newton, and Karen King Mitchell, JJ.

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Attorneys:

Mark Bates, Kirkwood, MO

Counsel for Appellant

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Attorneys:

David Whipple, Independence, MO

Counsel for Respondent

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

**JOHNSON CONTROLS, INC., Appellant, v.  
DAVID TRIMMER, Respondent**

**WD77948**

**Labor and Industrial Relations**

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

Johnson Controls, Inc., appeals the judgment of the Labor and Industrial Relations Commission granting David Trimmer's claim for workers' compensation benefits. Johnson Controls contends that Trimmer's occupational disease claim was barred by *res judicata*, in that it was an attempt to re-litigate an earlier claim for the same shoulder injury under an alternative legal theory.

**Reversed and remanded.**

**Division One holds:**

Trimmer's claim of an occupational disease as to his shoulder is barred by the doctrine of *res judicata*, in that it is a claim that *was* (or *should have been*) raised in his first workers' compensation case against Johnson Controls. The Commission erred in concluding that the claim was not barred by *res judicata* and in affirming the administrative law judge's decision not to dismiss. The judgment is reversed and remanded to the Commission for dismissal of the claim.

Opinion by James Edward Welsh, Presiding Judge

April 21, 2015

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