

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**ULYSSES WHITE (DECEASED);
PATRICIA WHITE**

APPELLANT,

**v.
CONAGRA PACKAGED FOODS, LLC**

RESPONDENT.

DOCKET NUMBER WD79449

DATE: September 27, 2016

Appeal From:

Labor and Industrial Relations Commission

Appellate Judges:

Division Two: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Attorneys:

Todd C. Werts, Columbia, MO, for appellant.

Douglas M. Greenwald and Thomas J. Walsh, Kansas City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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**ULYSSES WHITE (DECEASED);
PATRICIA WHITE,**

APPELLANT,

v.

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RESPONDENT.

No. WD79449

Labor and Industrial Relations Commission

Before Division Two: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Patricia White appeals from the Labor and Industrial Relations Commission's decision denying compensation for the death of her husband, Ulysses White. White asserts that the Commission erred in concluding that she failed to sustain her burden to prove that decedent's death following a sudden cardiac event at work was a compensable injury. Because the Commission erroneously required White to prove that work conditions were the prevailing factor in causing decedent's death, when the Commission should instead have been determining whether decedent's death came from a risk or hazard unrelated to employment, the Commission committed legal error.

Affirm in part, reverse in part, and remand for further proceedings.

Division Two holds;

1. Having found that the decedent suffered an accident by virtue of a sudden cardiac event, the Commission erred in requiring the decedent's spouse to prove that work conditions were the prevailing factor in causing the decedent's death, when the applicable medical causation statute required only that decedent's accident be the prevailing factor in causing the decedent's death. The medical evidence is uncontested that decedent's accident was the prevailing factor causing his death.

2. Because the Commission erroneously required proof that work conditions were the prevailing factor in causing decedent's death, the Commission never addressed whether decedent's accident arose from the course of his employment, and specifically, whether decedent's death came from a hazard or risk unrelated to employment, a condition of compensability that must be established by a preponderance of the evidence, but as to which the "prevailing factor" standard does not apply.

Opinion by Cynthia L. Martin, Judge

September 27, 2016

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