

FINAL AWARD ALLOWING COMPENSATION
(Modifying Award and Decision of the Labor and Industrial Relations Commission
Pursuant to the Mandate of the Missouri Court of Appeals, Western District)

Injury No.: 97-498434

Employee: James Phillip Chouteau

Employer: Netco Construction

Insurer EMC Insurance Companies

Date of Accident: October 1, 1997

Place and County of Accident: Kansas City, Jackson County, Missouri

On May 4, 2004, the Missouri Court of Appeals for the Western District issued an opinion affirming in part and reversing in part the July 10, 2003, award and decision of the Labor and Industrial Relations Commission (Commission). *Chouteau v. Netco Construction*, 132 S.W.3d 328 (Mo. App. 2004)(Mandate issued May 26, 2004, No. WD63171). Pursuant to the Court's mandate, we enter a reverse judgment in favor of Netco Construction and against Mr. Chouteau in the amount of \$65,548.20, in conformity with the Court's opinion.

Given at Jefferson City, State of Missouri, this 23 day of March 2005.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

NOT SITTING

William F. Ringer, Chairman

Alice A. Bartlett, Member

John J. Hickey, Member

Attest:

Secretary