

FINAL AWARD ALLOWING COMPENSATION  
(Pursuant to the Mandate of the Missouri Court of Appeals, Southern District)

Injury No.: 00-173226

Employee: Harold Copeland

Employer: 1) Associated Wholesale Grocers Inc.  
2) Elite Logistics Inc.

Insurer: 1) One Beacon Insurance Co.  
2) Transcontinental Insurance Co.

Date of Accident: January 14, 2000

Place and County of Accident: Springfield, Greene County, Missouri

On October 16, 2006, the Missouri Court of Appeals (Court) for the Southern District issued an opinion reversing the December 16, 2005, Final Award of the Labor and Industrial Relations Commission (Commission) in the above-referenced case. By mandate issued December 21, 2006, the Court remanded this matter to the Commission with instructions to enter a decision in accordance with the Court's opinion. *Copeland v. Associated Wholesale Grocers*, SD27480, 207 S.W.3d 189 (Mo. App. S.D. 2006)

Pursuant to the Court's opinion and mandate, we issue this new award modifying the award and decision of the administrative law judge dated June 2, 2005.

In the instant case, the last employer to expose employee to the occupational hazard of carpal tunnel syndrome prior to the filing of the claim for the occupational disease of carpal tunnel syndrome was Elite Logistics, Inc., not Associated Wholesale Grocers, Inc. Elite Logistics, Inc., is liable for compensation in this matter pursuant to § 287.063 RSMo.

We reverse the award of compensation against Associated Wholesale Grocers, Inc.

We affirm the administrative law judge's findings, conclusions, and calculations regarding the amount of workers' compensation benefits due to employee. We award the following compensation from Elite Logistics, Inc., to employee:

Past medical expenses in the amount of \$4,013.78.

Temporary total disability benefits in the amount of \$4,627.84, which represents 8 weeks of temporary total disability computed at a compensation rate of \$578.48.

Permanent partial disability benefits in the amount of \$10,605.35, which represents a 20% permanent partial disability of the left wrist at the 175-week level computed at a compensation rate of \$303.01.

The Commission further approves and affirms the administrative law judge's allowance of attorney's fee herein as being fair and reasonable.

Any past due compensation shall bear interest as provided by law.

Given at Jefferson City, State of Missouri, this 26<sup>th</sup> day of January 2007.

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William F. Ringer, Chairman

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Alice A. Bartlett, Member

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John J. Hickey, Member

Attest:

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Secretary