

FINAL AWARD DENYING COMPENSATION
(Affirming Award and Decision of Administrative Law Judge)

Injury No.: 00-162057

Employee: Larilean Davis
Employer: Laidlaw Transit
Insurer: American Home Assurance Company
Additional Party: Treasurer of Missouri as Custodian
of Second Injury Fund
Date of Accident: Alleged October 27, 2000
Place and County of Accident: Alleged St. Louis

The above-entitled workers' compensation case is submitted to the Labor and Industrial Relations Commission for review as provided by section 287.480 RSMo. Having reviewed the evidence and considered the whole record, the Commission finds that the award of the administrative law judge is supported by competent and substantial evidence and was made in accordance with the Missouri Workers' Compensation Act. Pursuant to section 286.090 RSMo, the Commission affirms the award and decision of the administrative law judge dated December 9, 2005, and awards no compensation in the above-captioned case.

The award and decision of Administrative Law Judge Margaret D. Landolt, issued December 9, 2005, is attached and incorporated by this reference.

Given at Jefferson City, State of Missouri, this 25th day of May 2006.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

John J. Hickey, Member

Attest:

Secretary

AWARD

Employee: Larilean Davis Injury No.: 00-162057

Dependents: N/A Before the
Division of Workers'
Employer: Laidlaw Transit **Compensation**
Department of Labor and Industrial
Additional Party: Second Injury Fund Relations of Missouri
Jefferson City, Missouri
Insurer: American Home Assurance Co.
Hearing Date: September 27, 2005 Checked by: MDL:tr

FINDINGS OF FACT AND RULINGS OF LAW

1. Are any benefits awarded herein? No
2. Was the injury or occupational disease compensable under Chapter 287? No
3. Was there an accident or incident of occupational disease under the Law? No
4. Date of accident or onset of occupational disease: alleged October 27, 2000
5. State location where accident occurred or occupational disease was contracted: St. Louis
6. Was above employee in employ of above employer at time of alleged accident or occupational disease? Yes
7. Did employer receive proper notice? N/A
8. Did accident or occupational disease arise out of and in the course of the employment? No
9. Was claim for compensation filed within time required by Law? No
10. Was employer insured by above insurer? Yes
11. Describe work employee was doing and how accident occurred or occupational disease contracted: N/A
12. Did accident or occupational disease cause death? No Date of death? N/A
13. Part(s) of body injured by accident or occupational disease: N/A
14. Nature and extent of any permanent disability: N/A
15. Compensation paid to-date for temporary disability: -0-
16. Value necessary medical aid paid to date by employer/insurer? -0-

Employee: Larilean Davis Injury No.: 00-162057

17. Value necessary medical aid not furnished by employer/insurer? -0-
18. Employee's average weekly wages: Unknown
19. Weekly compensation rate: Unknown
20. Method wages computation: N/A

COMPENSATION PAYABLE

21. Amount of compensation payable: -0-
22. Second Injury Fund liability: No

TOTAL: -0-

23. Future requirements awarded: N/A

Said payments to begin N/A and to be payable and be subject to modification and review as provided by law.

The compensation awarded to the claimant shall be subject to a lien in the amount of N/A of all payments hereunder in favor of the following attorney for necessary legal services rendered to the claimant:

N/A

FINDINGS OF FACT and RULINGS OF LAW:

Employee:	Larilean Davis	Injury No.: 00-162057
Dependents:	N/A	Before the
Employer:	Laidlaw Transit	Division of Workers'
Additional Party: Second Injury Fund		Compensation
	Jefferson City, Missouri	Department of Labor and Industrial
		Relations of Missouri
Insurer:	American Home Assurance Co.	Checked by: MDL:tr

PRELIMINARIES

A hearing was held on September 27, 2005, at the Division of Workers' Compensation in the City of St. Louis. Injury Numbers 00-162057 (date of injury October 27, 2000), 00-162060 (date of injury September 14, 2000), 00-162063 (date of injury June 5, 2000), and 00-179049 (date of injury May 8, 2000) were consolidated for hearing. Larilean Davis ("Claimant") appeared pro-se. Laidlaw Transit ("Employer") and its Insurer, American Home Assurance Company, were represented by Mr. Jeffrey Wright. The Second Injury Fund was represented by Assistant Attorney General Carol Barnard.

The parties stipulated that with regard to Injury Number 00-179049, Claimant sustained an accident arising out of and in the course of her employment on or about May 8, 2000. The parties further stipulated that with regard to Injury Number 00-179049, Employer paid medical benefits of \$505.52. The parties further stipulated that with regard to all claims, Claimant was an employee of Employer and venue is proper in the City of St. Louis.

The issues for resolution by hearing with regard to all injury numbers are as follows: Medical causation, liability of Employer for past medical expenses, future medical expenses, past temporary total disability benefits, nature and extent of permanent partial disability benefits, and liability of the Second Injury Fund. The additional issues with respect to Injury Numbers 00-162057, 00-162060, and 00-162063 are notice, and accident arising out of and in the course of employment. With regard to Injury Number 00-162057, there is an issue of whether Claimant is permanently and totally disabled. Employer has raised a statute of limitations defense with regard to all claims.

Claimant attempted to introduce numerous exhibits into evidence. Employer and Second Injury Fund objected to the introduction of those exhibits, and the objections were sustained. Only Exhibit T was admitted into evidence. Employer offered Exhibit 1, which was received into evidence.

FINDINGS OF FACT

Claimant testified that on May 8, 2000, she was driving a school bus for Employer and had already been injured on one of their buses. According to Claimant, her shoulder, lower back, and hands were already injured. Claimant testified that she went to a company doctor and filled out an incident report, and was given minor treatment, and told them she would need a referral. Claimant testified that she was given treatment, and sent home with medications, and an arm restriction. Claimant testified she had chipped bones that were not broken, and her symptoms became worse instead of better.

Claimant also testified that on June 5, 2000, she was injured.

Claimant testified that on September 14, 2000, she was transporting wheelchair students and unloading them when a lift fell down on her. According to Claimant, she went back to work and prepared an incident report, and was sent to the company doctor. According to Claimant, Employer refused to give her treatment. Claimant also went to her own personal physician who refused to see her. Claimant testified that she wound up in the emergency room, but was sent back to follow up with the company doctor. According to Claimant, she went back to work, until one day her supervisor saw her in pain and sent her home. She returned to her doctor who refused to see her. Claimant testified that she lost her job with the company and later went to work for Atlantic Express in January of 2001. Claimant testified that she later lost her second job at Atlantic Express in 2002. Claimant filed two claims against Atlantic Express for a jammed thumb and right hand, and later began working for Durham. In 2004 she also lost that job. Claimant testified that she lost her job because of her hand problems, and she is limited in what she can do because of her injuries.

Claimant testified that she is currently working at a child care facility performing general child care duties, part-time, three to four hours a day.

RULINGS OF LAW

Based upon the evidence presented, the Court finds that Claimant failed to meet her burden of proving that she sustained any work injuries on June 5, 2000, September 27, 2000, or October 27, 2000. Claimant's testimony was difficult to follow, lacked specificity, and no medical evidence was admitted to support any claims of injury. Although the parties stipulated that Claimant sustained an accidental injury arising out of and in the course of her employment on May 8, 2000, Claimant failed to meet her burden of proving that she sustained any permanent partial disability or incurred any medical expenses as a result of that injury. Claimant failed to testify to any specific injury or symptoms arising out of that accident and no medical evidence was admitted to prove disability.

Because Claimant failed to make submissible cases, all benefits are denied and all claims against the Second Injury Fund are dismissed.

Date: _____ Made by: _____

Margaret D. Landolt
Administrative Law Judge
Division of Workers' Compensation

A true copy: Attest:

Patricia "Pat" Secret
Director
Division of Workers' Compensation

Issued by THE LABOR AND INDUSTRIAL RELATIONS COMMISSION

FINAL AWARD DENYING COMPENSATION
(Affirming Award and Decision of Administrative Law Judge)

Injury No.: 00-162060

Employee: Larilean Davis
Employer: Laidlaw Transit
Insurer: American Home Assurance Company
Additional Party: Treasurer of Missouri as Custodian
of Second Injury Fund
Date of Accident: Alleged September 14, 2000
Place and County of Accident: Alleged St. Louis

The above-entitled workers' compensation case is submitted to the Labor and Industrial Relations Commission for review as provided by section 287.480 RSMo. Having reviewed the evidence and considered the whole record, the Commission finds that the award of the administrative law judge is supported by competent and substantial evidence and was made in accordance with the Missouri Workers' Compensation Act. Pursuant to section 286.090 RSMo, the Commission affirms the award and decision of the administrative law judge dated December 9, 2005, and awards no compensation in the above-captioned case.

The award and decision of Administrative Law Judge Margaret D. Landolt, issued December 9, 2005, is attached and incorporated by this reference.

Given at Jefferson City, State of Missouri, this 25th day of May 2006.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

John J. Hickey, Member

Attest:

Secretary

AWARD

Employee: Larilean Davis Injury No.: 00-162060
Dependents: N/A Before the
Division of Workers'
Employer: Laidlaw Transit **Compensation**
Department of Labor and Industrial
Additional Party: Second Injury Fund Relations of Missouri
Jefferson City, Missouri
Insurer: American Home Assurance Co.
Hearing Date: September 27, 2005 Checked by: MDL:tr

FINDINGS OF FACT AND RULINGS OF LAW

1. Are any benefits awarded herein? No
 3. Was the injury or occupational disease compensable under Chapter 287? No
 3. Was there an accident or incident of occupational disease under the Law? No
 6. Date of accident or onset of occupational disease: alleged September 14, 2000
 7. State location where accident occurred or occupational disease was contracted: St. Louis
 6. Was above employee in employ of above employer at time of alleged accident or occupational disease? Yes
 7. Did employer receive proper notice? N/A
 8. Did accident or occupational disease arise out of and in the course of the employment? No
 10. Was claim for compensation filed within time required by Law? No
 10. Was employer insured by above insurer? Yes
 11. Describe work employee was doing and how accident occurred or occupational disease contracted: N/A
 12. Did accident or occupational disease cause death? No Date of death? N/A
 13. Part(s) of body injured by accident or occupational disease: N/A
 15. Nature and extent of any permanent disability: N/A
 15. Compensation paid to-date for temporary disability: -0-
 16. Value necessary medical aid paid to date by employer/insurer? -0-
- Employee: Larilean Davis Injury No.: 00-162060
17. Value necessary medical aid not furnished by employer/insurer? -0-
 19. Employee's average weekly wages: Unknown

19. Weekly compensation rate: Unknown

20. Method wages computation: N/A

COMPENSATION PAYABLE

21. Amount of compensation payable: -0-

22. Second Injury Fund liability: No

TOTAL: -0-

23. Future requirements awarded: N/A

Said payments to begin N/A and to be payable and be subject to modification and review as provided by law.

The compensation awarded to the claimant shall be subject to a lien in the amount of N/A of all payments hereunder in favor of the following attorney for necessary legal services rendered to the claimant:

N/A

FINDINGS OF FACT and RULINGS OF LAW:

Employee: Larilean Davis

Injury No.: 00-162060

Dependents: N/A

Before the
**Division of Workers'
Compensation**

Employer: Laidlaw Transit

Department of Labor and Industrial
Relations of Missouri

Additional Party: Second Injury Fund

Jefferson City, Missouri

Insurer: American Home Assurance Co.

Checked by: MDL:tr

PRELIMINARIES

A hearing was held on September 27, 2005, at the Division of Workers' Compensation in the City of St.

Louis. Injury Numbers 00-162057 (date of injury October 27, 2000), 00-162060 (date of injury September 14, 2000), 00-162063 (date of injury June 5, 2000), and 00-179049 (date of injury May 8, 2000) were consolidated for hearing. Larilean Davis ("Claimant") appeared pro-se. Laidlaw Transit ("Employer") and its Insurer, American Home Assurance Company, were represented by Mr. Jeffrey Wright. The Second Injury Fund was represented by Assistant Attorney General Carol Barnard.

The parties stipulated that with regard to Injury Number 00-179049, Claimant sustained an accident arising out of and in the course of her employment on or about May 8, 2000. The parties further stipulated that with regard to Injury Number 00-179049, Employer paid medical benefits of \$505.52. The parties further stipulated that with regard to all claims, Claimant was an employee of Employer and venue is proper in the City of St. Louis.

The issues for resolution by hearing with regard to all injury numbers are as follows: Medical causation, liability of Employer for past medical expenses, future medical expenses, past temporary total disability benefits, nature and extent of permanent partial disability benefits, and liability of the Second Injury Fund. The additional issues with respect to Injury Numbers 00-162057, 00-162060, and 00-162063 are notice, and accident arising out of and in the course of employment. With regard to Injury Number 00-162057, there is an issue of whether Claimant is permanently and totally disabled. Employer has raised a statute of limitations defense with regard to all claims.

Claimant attempted to introduce numerous exhibits into evidence. Employer and Second Injury Fund objected to the introduction of those exhibits, and the objections were sustained. Only Exhibit T was admitted into evidence. Employer offered Exhibit 1, which was received into evidence.

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FINDINGS OF FACT

Claimant testified that on May 8, 2000, she was driving a school bus for Employer and had already been injured on one of their buses. According to Claimant, her shoulder, lower back, and hands were already injured. Claimant testified that she went to a company doctor and filled out an incident report, and was given minor treatment, and told them she would need a referral. Claimant testified that she was given treatment, and sent home with medications, and an arm restriction. Claimant testified she had chipped bones that were not broken, and her symptoms became worse instead of better.

Claimant also testified that on June 5, 2000, she was injured.

Claimant testified that on September 14, 2000, she was transporting wheelchair students and unloading them when a lift fell down on her. According to Claimant, she went back to work and prepared an incident report, and was sent to the company doctor. According to Claimant, Employer refused to give her treatment. Claimant also went to her own personal physician who refused to see her. Claimant testified that she wound up in the emergency room, but was sent back to follow up with the company doctor. According to Claimant, she went back to work, until one day her supervisor saw her in pain and sent her home. She returned to her doctor who refused to see her. Claimant testified that she lost her job with the company and later went to work for Atlantic Express in January of 2001. Claimant testified that she later lost her second job at Atlantic Express in 2002. Claimant filed two claims against Atlantic Express for a jammed thumb and right hand, and later began working for Durham. In 2004 she also lost that job. Claimant testified that she lost her job because of her hand problems, and she is limited in what she can do because of her injuries.

Claimant testified that she is currently working at a child care facility performing general child care duties, part-time, three to four hours a day.

RULINGS OF LAW

Based upon the evidence presented, the Court finds that Claimant failed to meet her burden of proving that she sustained any work injuries on June 5, 2000, September 27, 2000, or October 27, 2000. Claimant's testimony was difficult to follow, lacked specificity, and no medical evidence was admitted to support any claims of injury.

Although the parties stipulated that Claimant sustained an accidental injury arising out of and in the course of her employment on May 8, 2000, Claimant failed to meet her burden of proving that she sustained any permanent partial disability or incurred any medical expenses as a result of that injury. Claimant failed to testify to any specific injury or symptoms arising out of that accident and no medical evidence was admitted to prove disability.

Because Claimant failed to make submissible cases, all benefits are denied and all claims against the Second Injury Fund are dismissed.

Date: _____ Made by: _____
Margaret D. Landolt
Administrative Law Judge
Division of Workers' Compensation

A true copy: Attest:

Patricia "Pat" Secret
Director
Division of Workers' Compensation

Issued by THE LABOR AND INDUSTRIAL RELATIONS COMMISSION

FINAL AWARD DENYING COMPENSATION
(Affirming Award and Decision of Administrative Law Judge)

Injury No.: 00-162063

Employee: Larilean Davis
Employer: Laidlaw Transit
Insurer: American Home Assurance Company
Additional Party: Treasurer of Missouri as Custodian
of Second Injury Fund
Date of Accident: Alleged June 5, 2000
Place and County of Accident: Alleged St. Louis

The above-entitled workers' compensation case is submitted to the Labor and Industrial Relations Commission for review as provided by section 287.480 RSMo. Having reviewed the evidence and considered the whole record, the Commission finds that the award of the administrative law judge is supported by competent and substantial evidence and was made in accordance with the Missouri Workers' Compensation Act. Pursuant to section 286.090 RSMo, the Commission affirms the award and decision of the administrative law judge dated December 9, 2005, and awards no compensation in the above-captioned case.

The award and decision of Administrative Law Judge Margaret D. Landolt, issued December 9, 2005, is attached and incorporated by this reference.

Given at Jefferson City, State of Missouri, this 25th day of May 2006.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

John J. Hickey, Member

Attest:

Secretary

AWARD

Employee: Larilean Davis Injury No.: 00-162063
Dependents: N/A Before the
Division of Workers'
Employer: Laidlaw Transit **Compensation**
Department of Labor and Industrial
Additional Party: Second Injury Fund Relations of Missouri
Jefferson City, Missouri
Insurer: American Home Assurance Co.
Hearing Date: September 27, 2005 Checked by: MDL:tr

FINDINGS OF FACT AND RULINGS OF LAW

1. Are any benefits awarded herein? No
4. Was the injury or occupational disease compensable under Chapter 287? No
3. Was there an accident or incident of occupational disease under the Law? No
8. Date of accident or onset of occupational disease: alleged June 5, 2000
9. State location where accident occurred or occupational disease was contracted: St. Louis
6. Was above employee in employ of above employer at time of alleged accident or occupational disease? Yes
7. Did employer receive proper notice? N/A
8. Did accident or occupational disease arise out of and in the course of the employment? No
11. Was claim for compensation filed within time required by Law? No
10. Was employer insured by above insurer? Yes
11. Describe work employee was doing and how accident occurred or occupational disease contracted: N/A
12. Did accident or occupational disease cause death? No Date of death? N/A
13. Part(s) of body injured by accident or occupational disease: N/A
16. Nature and extent of any permanent disability: N/A

15. Compensation paid to-date for temporary disability: -0-

16. Value necessary medical aid paid to date by employer/insurer? -0-

Employee: Larilean Davis Injury No.: 00-162063

17. Value necessary medical aid not furnished by employer/insurer? -0-

20. Employee's average weekly wages: Unknown

19. Weekly compensation rate: Unknown

20. Method wages computation: N/A

COMPENSATION PAYABLE

21. Amount of compensation payable: -0-

22. Second Injury Fund liability: No

TOTAL: -0-

23. Future requirements awarded: N/A

Said payments to begin N/A and to be payable and be subject to modification and review as provided by law.

The compensation awarded to the claimant shall be subject to a lien in the amount of N/A of all payments hereunder in favor of the following attorney for necessary legal services rendered to the claimant:

N/A

FINDINGS OF FACT and RULINGS OF LAW:

Employee: Larilean Davis Injury No.: 00-162063

Dependents: N/A Before the
Division of Workers'

Employer: Laidlaw Transit

Compensation

Department of Labor and Industrial
Relations of Missouri

Additional Party: Second Injury Fund

Jefferson City, Missouri

Insurer: American Home Assurance Co.

Checked by: MDL:tr

PRELIMINARIES

A hearing was held on September 27, 2005, at the Division of Workers' Compensation in the City of St. Louis. Injury Numbers 00-162057 (date of injury October 27, 2000), 00-162060 (date of injury September 14, 2000), 00-162063 (date of injury June 5, 2000), and 00-179049 (date of injury May 8, 2000) were consolidated for hearing. Larilean Davis ("Claimant") appeared pro-se. Laidlaw Transit ("Employer") and its Insurer, American Home Assurance Company, were represented by Mr. Jeffrey Wright. The Second Injury Fund was represented by Assistant Attorney General Carol Barnard.

The parties stipulated that with regard to Injury Number 00-179049, Claimant sustained an accident arising out of and in the course of her employment on or about May 8, 2000. The parties further stipulated that with regard to Injury Number 00-179049, Employer paid medical benefits of \$505.52. The parties further stipulated that with regard to all claims, Claimant was an employee of Employer and venue is proper in the City of St. Louis.

The issues for resolution by hearing with regard to all injury numbers are as follows: Medical causation, liability of Employer for past medical expenses, future medical expenses, past temporary total disability benefits, nature and extent of permanent partial disability benefits, and liability of the Second Injury Fund. The additional issues with respect to Injury Numbers 00-162057, 00-162060, and 00-162063 are notice, and accident arising out of and in the course of employment. With regard to Injury Number 00-162057, there is an issue of whether Claimant is permanently and totally disabled. Employer has raised a statute of limitations defense with regard to all claims.

Claimant attempted to introduce numerous exhibits into evidence. Employer and Second Injury Fund objected to the introduction of those exhibits, and the objections were sustained. Only Exhibit T was admitted into evidence. Employer offered Exhibit 1, which was received into evidence.

FINDINGS OF FACT

Claimant testified that on May 8, 2000, she was driving a school bus for Employer and had already been injured on one of their buses. According to Claimant, her shoulder, lower back, and hands were already injured. Claimant testified that she went to a company doctor and filled out an incident report, and was given minor treatment, and told them she would need a referral. Claimant testified that she was given treatment, and sent home with medications, and an arm restriction. Claimant testified she had chipped bones that were not broken, and her symptoms became worse instead of better.

Claimant also testified that on June 5, 2000, she was injured.

Claimant testified that on September 14, 2000, she was transporting wheelchair students and unloading them when a lift fell down on her. According to Claimant, she went back to work and prepared an incident report, and was sent to the company doctor. According to Claimant, Employer refused to give her treatment. Claimant also went to her own personal physician who refused to see her. Claimant testified that she wound up in the emergency room, but was sent back to follow up with the company doctor. According to Claimant, she went back to work, until one day her supervisor saw her in pain and sent her home. She returned to her doctor who refused to see her. Claimant testified that she lost her job with the company and later went to work for Atlantic Express in January of 2001. Claimant testified that she later lost her second job at Atlantic Express in 2002. Claimant filed two claims against Atlantic Express for a jammed thumb and right hand, and later began working for Durham. In

2004 she also lost that job. Claimant testified that she lost her job because of her hand problems, and she is limited in what she can do because of her injuries.

Claimant testified that she is currently working at a child care facility performing general child care duties, part-time, three to four hours a day.

RULINGS OF LAW

Based upon the evidence presented, the Court finds that Claimant failed to meet her burden of proving that she sustained any work injuries on June 5, 2000, September 27, 2000, or October 27, 2000. Claimant's testimony was difficult to follow, lacked specificity, and no medical evidence was admitted to support any claims of injury. Although the parties stipulated that Claimant sustained an accidental injury arising out of and in the course of her employment on May 8, 2000, Claimant failed to meet her burden of proving that she sustained any permanent partial disability or incurred any medical expenses as a result of that injury. Claimant failed to testify to any specific injury or symptoms arising out of that accident and no medical evidence was admitted to prove disability.

Because Claimant failed to make submissible cases, all benefits are denied and all claims against the Second Injury Fund are dismissed.

Date: _____ Made by: _____

Margaret D. Landolt
Administrative Law Judge
Division of Workers' Compensation

A true copy: Attest:

Patricia "Pat" Secret
Director
Division of Workers' Compensation

Issued by THE LABOR AND INDUSTRIAL RELATIONS COMMISSION

FINAL AWARD DENYING COMPENSATION
(Affirming Award and Decision of Administrative Law Judge)

Injury No.: 00-179049

Employee: Larilean Davis

Employer: Laidlaw Transit

Insurer: American Home Assurance Company

Additional Party: Treasurer of Missouri as Custodian
of Second Injury Fund

Date of Accident: Alleged May 8, 2000

Place and County of Accident: Alleged St. Louis

The above-entitled workers' compensation case is submitted to the Labor and Industrial Relations Commission for

review as provided by section 287.480 RSMo. Having reviewed the evidence and considered the whole record, the Commission finds that the award of the administrative law judge is supported by competent and substantial evidence and was made in accordance with the Missouri Workers' Compensation Act. Pursuant to section 286.090 RSMo, the Commission affirms the award and decision of the administrative law judge dated December 9, 2005, and awards no compensation in the above-captioned case.

The award and decision of Administrative Law Judge Margaret D. Landolt, issued December 9, 2005, is attached and incorporated by this reference.

Given at Jefferson City, State of Missouri, this 25th day of May 2006.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

John J. Hickey, Member

Attest:

Secretary

AWARD

Employee: Larilean Davis Injury No.: 00-179049
Dependents: N/A Before the
Division of Workers'
Employer: Laidlaw Transit **Compensation**
Additional Party: Second Injury Fund Department of Labor and Industrial
Relations of Missouri
Jefferson City, Missouri
Insurer: American Home Assurance Co.
Hearing Date: September 27, 2005 Checked by: MDL:tr

FINDINGS OF FACT AND RULINGS OF LAW

1. Are any benefits awarded herein? No
5. Was the injury or occupational disease compensable under Chapter 287? No
3. Was there an accident or incident of occupational disease under the Law? No
10. Date of accident or onset of occupational disease: alleged May 8, 2000
11. State location where accident occurred or occupational disease was contracted: St. Louis
6. Was above employee in employ of above employer at time of alleged accident or occupational disease? Yes

- 7. Did employer receive proper notice? N/A
- 8. Did accident or occupational disease arise out of and in the course of the employment? No
- 12. Was claim for compensation filed within time required by Law? No
- 10. Was employer insured by above insurer? Yes
- 11. Describe work employee was doing and how accident occurred or occupational disease contracted: N/A
- 12. Did accident or occupational disease cause death? No Date of death? N/A
- 13. Part(s) of body injured by accident or occupational disease: N/A
- 17. Nature and extent of any permanent disability: -0-
- 15. Compensation paid to-date for temporary disability: -0-
- 16. Value necessary medical aid paid to date by employer/insurer? \$505.52

Employee: Larilean Davis Injury No.: 00-179049

- 17. Value necessary medical aid not furnished by employer/insurer? -0-
- 21. Employee's average weekly wages: Unknown
- 19. Weekly compensation rate: Unknown
- 20. Method wages computation: N/A

COMPENSATION PAYABLE

- 21. Amount of compensation payable: -0-
- 22. Second Injury Fund liability: No
- 23. Future requirements awarded: N/A

TOTAL: -0-

Said payments to begin N/A and to be payable and be subject to modification and review as provided by law.

The compensation awarded to the claimant shall be subject to a lien in the amount of N/A of all payments hereunder in favor of the following attorney for necessary legal services rendered to the claimant:

N/A

FINDINGS OF FACT and RULINGS OF LAW:

Employee: Larilean Davis Injury No.: 00-179049
Dependents: N/A Before the
Employer: Laidlaw Transit **Division of Workers'**
Compensation
Department of Labor and Industrial
Additional Party: Second Injury Fund Relations of Missouri
Jefferson City, Missouri
Insurer: American Home Assurance Co. Checked by: MDL:tr

PRELIMINARIES

A hearing was held on September 27, 2005, at the Division of Workers' Compensation in the City of St. Louis. Injury Numbers 00-162057 (date of injury October 27, 2000), 00-162060 (date of injury September 14, 2000), 00-162063 (date of injury June 5, 2000), and 00-179049 (date of injury May 8, 2000) were consolidated for hearing. Larilean Davis ("Claimant") appeared pro-se. Laidlaw Transit ("Employer") and its Insurer, American Home Assurance Company, were represented by Mr. Jeffrey Wright. The Second Injury Fund was represented by Assistant Attorney General Carol Barnard.

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The issues for resolution by hearing with regard to all injury numbers are as follows: Medical causation, liability of Employer for past medical expenses, future medical expenses, past temporary total disability benefits, nature and extent of permanent partial disability benefits, and liability of the Second Injury Fund. The additional issues with respect to Injury Numbers 00-162057, 00-162060, and 00-162063 are notice, and accident arising out of and in the course of employment. With regard to Injury Number 00-162057, there is an issue of whether Claimant is permanently and totally disabled. Employer has raised a statute of limitations defense with regard to all claims.

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FINDINGS OF FACT

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and her symptoms became worse instead of better.

Claimant also testified that on June 5, 2000, she was injured.

Claimant testified that on September 14, 2000, she was transporting wheelchair students and unloading them when a lift fell down on her. According to Claimant, she went back to work and prepared an incident report, and was sent to the company doctor. According to Claimant, Employer refused to give her treatment. Claimant also went to her own personal physician who refused to see her. Claimant testified that she wound up in the emergency room, but was sent back to follow up with the company doctor. According to Claimant, she went back to work, until one day her supervisor saw her in pain and sent her home. She returned to her doctor who refused to see her. Claimant testified that she lost her job with the company and later went to work for Atlantic Express in January of 2001. Claimant testified that she later lost her second job at Atlantic Express in 2002. Claimant filed two claims against Atlantic Express for a jammed thumb and right hand, and later began working for Durham. In 2004 she also lost that job. Claimant testified that she lost her job because of her hand problems, and she is limited in what she can do because of her injuries.

Claimant testified that she is currently working at a child care facility performing general child care duties, part-time, three to four hours a day.

RULINGS OF LAW

Based upon the evidence presented, the Court finds that Claimant failed to meet her burden of proving that she sustained any work injuries on June 5, 2000, September 27, 2000, or October 27, 2000. Claimant's testimony was difficult to follow, lacked specificity, and no medical evidence was admitted to support any claims of injury. Although the parties stipulated that Claimant sustained an accidental injury arising out of and in the course of her employment on May 8, 2000, Claimant failed to meet her burden of proving that she sustained any permanent partial disability or incurred any medical expenses as a result of that injury. Claimant failed to testify to any specific injury or symptoms arising out of that accident and no medical evidence was admitted to prove disability.

Because Claimant failed to make submissible cases, all benefits are denied and all claims against the Second Injury Fund are dismissed.

Date: _____ Made by: _____

Margaret D. Landolt
Administrative Law Judge
Division of Workers' Compensation

A true copy: Attest:

Patricia "Pat" Secret
Director
Division of Workers' Compensation

