

TEMPORARY AWARD ALLOWING COMPENSATION
(Modifying Award of March 9, 2011)

Injury No.: 09-056213

Employee: Betty Eaton
Employer: AT&T/Southwestern Bell Telephone L.P.
Insurer: Self-Insured

On March 9, 2011, we issued a temporary award or partial award. On March 18, 2011, employer filed a Motion to Modify or Amend the March 9, 2011, temporary or partial award. Employee filed a Motion to Dismiss employer's Motion to Modify or Amend to which employer/insurer responded. We have reviewed the parties' motions. We find that we failed to address an issue raised by employer in its Application for Review. As our award was only temporary, we retain jurisdiction to "modify the award from time to time to meet the needs of the case." Section 287.510 RSMo. We deny employee's Motion to Dismiss. We issue this award to correct our earlier oversight.

Pursuant to § 287.510, we modify our March 9, 2011, temporary or partial award on the issue of additional medical treatment.

The administrative law judge directed employer to provide additional medical treatment with Dr. Bruce Schlafly as the authorized treating physician. The administrative law judge was without authority to so direct. We reverse the administrative law judge's designation of Dr. Bruce Schlafly as the authorized treating physician.

Instead, employer shall provide such additional medical treatment as may reasonably be required to cure and relieve employee from the effects of the injury.

In all other respects, our March 9, 2011, temporary or partial award remains unchanged.

This award is only temporary or partial. It is subject to further order, and the proceedings are hereby continued and kept open until a final award can be made. All parties should be aware of the provisions of § 287.510 RSMo.

Given at Jefferson City, State of Missouri, this 30th day of March 2011.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

DISSENTING OPINION FILED

John J. Hickey, Member

Attest:

Secretary

Employee: Betty Eaton

DISSENTING OPINION

I have reviewed the Motion to Modify or Amend and the Motion to Dismiss. I would dismiss the Motion to Modify and leave our March 9, 2011, award unchanged. I respectfully dissent from the decision of the majority to modify our award.

John J. Hickey, Member