

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

Injury No.: 04-144640

Employee: Michael Harris

Employer: Laidlaw Transit

Insurer: American Home Assurance Co.

Date of Accident: October 18, 2004

Place and County of Accident: St. Louis County, Missouri

The above-entitled workers' compensation case is submitted to the Labor and Industrial Relations Commission (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 April 23, 2008, and awards no compensation in the above-captioned case.

The award and decision of Administrative Law Judge Cornelius T. Lane, issued April 23, 2008, is attached and incorporated by this reference.

Given at Jefferson City, State of Missouri, this 17th day of June 2008.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

John J. Hickey, Member

Attest:

Secretary

AWARD

Employee: Michael Harris

Injury No.: 04-144640

Dependents: N/A

Before the
**Division of Workers'
Compensation**

Employer: Laidlaw Transit

Department of Labor and Industrial
Relations of Missouri
Jefferson City, Missouri

Additional Party: N/A

Insurer: American Home Assurance Co.

Hearing Date: March 26, 2008

Checked by: CTL:td

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? Yes
4. Date of accident or onset of occupational disease: 10/18/2004
5. State location where accident occurred or occupational disease was contracted: Employer's premises
6. Was above employee in employ of above employer at time of alleged accident or occupational disease? Yes
7. Did employer receive proper notice? Yes
8. Did accident or occupational disease arise out of and in the course of the employment? Yes
9. Was claim for compensation filed within time required by Law? Yes
10. Was employer insured by above insurer? Yes
11. Describe work employee was doing and how accident occurred or occupational disease contracted: Claimant was seated in a chair at Employer's headquarters, when the chair broke and Claimant fell to floor.
12. Did accident or occupational disease cause death? No
13. Part(s) of body injured by accident or occupational disease: upper and lower back
14. Nature and extent of any permanent disability: 0%
15. Compensation paid to-date for temporary disability: \$0.00
16. Value necessary medical aid paid to date by employer/insurer? \$632.00

Employee: Michael Harris

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17. Value necessary medical aid not furnished by employer/insurer? \$0.00

18. Employee's average weekly wages: \$355.00
19. Weekly compensation rate: \$288.30
20. Method wages computation: By stipulation.

COMPENSATION PAYABLE

21. Amount of compensation payable: N/A
22. Second Injury Fund liability: No

Total: \$0.00

FINDINGS OF FACT and RULINGS OF LAW:

Employee: Michael Harris

Injury No.: 04-144640

Dependents: N/A

Before the
**Division of Workers'
Compensation**

Employer: Laidlaw Transit

Department of Labor and Industrial
Relations of Missouri
Jefferson City, Missouri

Additional Party: N/A

Insurer: American Home Assurance Co.

Checked by: CTL:td

PREFACE

On March 26, 2008, a hearing was held in the above mention matter in St. Louis, Missouri. The Claimant, Michael Harris, was represented by Ronald Caimi, Attorney at Law. Employer, Laidlaw Transit, and its Insurer was represented by Yvette M. Boutaugh, Attorney at Law.

ISSUE

The nature and extend of permanent partial disability, if any.

CLAIMANT'S EXHIBITS

The following exhibits were offered and admitted into evidence:

Exhibit A: Deposition of Shawn L. Berkin, D.O.

Exhibit B: Medical Records of John Cochran VA Medical Center

EMPLOYER/INSURER'S EXHIBITS

The following exhibits were offered and admitted into evidence:

- Exhibit 1: Deposition of Anne-Marie Puricelli, M.D.
Exhibit 2: Medical Records of Concentra Medical Center

FINDINGS OF FACT

1. On October 18, 2004, Claimant, while in the employ of the Employer was sitting in a chair at the Employer's headquarters when the chair broke causing Claimant to fall, hitting his head on the wall and his buttocks on the floor.
2. After the fall, Claimant got up and did not think anything serious had occurred; but a few days later, Claimant testified he had severe neck and back pain. Claimant asked Employer for treatment.
3. Employer sent Claimant to Concentra Medical Center where he was treated. Claimant, on his first visit to Concentra on October 19, 2004, was diagnosed with contusions of the buttocks and cervical strain. He was returned to work with no restrictions and given Ibuprofen for medication.
4. Claimant returned to Concentra Medical Center on October 20, 2004, and the doctor was in agreement with the diagnosed contusions of the buttocks and cervical strain.
5. On October 25, 2004, Claimant returned to Concentra Medical Center and the medical records stated the Claimant's cervical strain had resolved and his lumber strain was improving. The physicians at the Concentra Medical Center released him from their care.
6. Claimant, having been a veteran, went to the VA Hospital on March 2005. There he had complaints of bilateral knee pain, chest pain, runny nose, etc...
7. Claimant went to the VA Hospital on March 2005, because of complaints related to his fall from the chair on October 18, 2004.
8. Claimant, at the time of trial, testified as a result from his fall from the chair at work on October 18, 2004, he has problems with his upper and lower back, hips, knee, right elbow and head. Claimant also testified that he gets constant nose bleeds as a result of the fall. His injuries are constant and painful. Claimant, after the incident on October 18, 2004, continued to work for Employer for approximately a year, and even after being terminated by Employer, worked for different companies as a driver.
9. At the request of Employer/Insurer, Claimant saw Dr. Anne-Marie Puricelli. She testified credibly in her deposition that Claimant's initial injuries were soft tissue in nature and found that Claimant was overreacting in regards to his injuries. The doctor testified Claimant could work at full duty. She found no symptoms resulting from the work accident. The doctor did not feel Claimant sustained any permanent partial disability.

RULINGS OF LAW

1. Claimant did not sustain any permanent partial disability as a result of his fall from his chair on October 18, 2004, at his employer's headquarters.
2. Claimant's request for additional medical treatment is denied.

Date: _____

Made by: _____

Cornelius T. Lane
Administrative Law Judge
Division of Workers' Compensation

A true copy: Attest:

Jeffrey W. Buker
Director
Division of Workers' Compensation