

FINAL AWARD ALLOWING COMPENSATION  
(Supplementing Award and Decision of Administrative Law Judge)

Injury No.: 03-050384

Employee: Pamela Hood  
Employer: Hallmark Cards Incorporated  
Insurer: Hallmark Cards Incorporated, Royal Insurance  
Date of Accident: May 23, 2003  
Place and County of Accident: Liberty, Clay 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, as supplemented herein, is supported by competent and substantial evidence and was made in accordance with the Missouri Workers' Compensation Act. Pursuant to section 286.090 RSMo, and in accordance with the request of the parties, the Commission supplements the February 26, 2007, award and decision of the administrative law judge issued upon an agreed statement of facts dated. The award and decision of Administrative Law Judge Kenneth J. Cain, issued February 26, 2007, is attached and incorporated by this reference.

The award is supplemented to reflect that the parties stipulated that it is the intention of the parties to leave future medical treatment open and the award resolves all other issues including, but not limited to, permanent partial disability and temporary total disability. In all other respects, February 26, 2007, award and decision is affirmed.

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 27<sup>th</sup> day of April, 2007.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

\_\_\_\_\_  
William F. Ringer, Chairman

\_\_\_\_\_  
Alice A. Bartlett, Member

Attest: \_\_\_\_\_  
John J. Hickey, Member

\_\_\_\_\_  
Secretary

**AWARD ON AGREED STATEMENT OF FACTS**

Employee: Pamela Hood

Injury No. 03-050384

Employer: Hallmark Cards Incorporated

Insurer: Hallmark Cards Incorporated Royal Insurance

Hearing Date: January 8, 2007

Checked by: KJC/cg

### FINDINGS OF FACT AND RULINGS OF LAW

1. Are any benefits awarded herein? Yes
2. Was the injury or occupational disease compensable under Chapter 287? Yes
3. Was there an accident or incident of occupational disease under the Law? Yes
4. Date of accident or onset of occupational disease: May 23, 2003
5. State location where accident occurred or occupational disease was contracted: Liberty, Clay County, Missouri. By agreement of the parties, the matter was heard in Kansas City, Jackson County, Missouri.
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: Employee, while in the course and scope of her employment at Hallmark Cards, sustained an injury when she stumbled over some wires while lifting a box and twisted her low back.
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: Low back
14. Nature and extent of any permanent disability: 14.33 percent to the body as a whole
15. Compensation paid to-date for temporary disability: \$2,318.75 representing five weeks
16. Value necessary medical aid paid to date by employer/insurer? \$15,540.72
17. Value necessary medical aid not furnished by employer/insurer? Undetermined
18. Employee's average weekly wages: \$695.36
19. Weekly compensation rate: \$463.57/\$340.12 per week
20. Method wages computation: By agreement

### COMPENSATION PAYABLE

21. Amount of compensation payable:  
unpaid medical expenses:..... Undetermined  
weeks for temporary total disability: ....5 weeks at \$463.57 per week (\$2,317.85) (previously paid)  
weeks for permanent partial disability from employer: .....The parties stipulated that the Employee sustained a permanent partial disability of 14.33 percent to the body as a whole and that the Employee was entitled to \$19,500.00.  
weeks of disfigurement from employer .....N/A  
permanent total disability benefits from employer .....N/A
22. Second Injury Fund liability: N/A
23. Future requirements awarded: Undetermined

TOTAL: \$19,500.00

Said payments to begin as of date of the Award 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 25percent of all payments hereunder in favor of the following attorney for necessary legal services rendered to the Claimant: Mark Kelly

## **FINDINGS OF FACT and RULINGS OF LAW:**

Employee: Pamela Hood

Injury No. 03-050384

Employer: Hallmark Cards Incorporated

Insurer: Hallmark Cards Incorporated Royal Insurance

Hearing Date: January 8, 2007

Checked by: KJC/cg

On January 8, 2007, the parties appeared for the purpose of entering into an Award On An Agreed Statement of Facts. The parties stipulated that the Employee had sustained a permanent partial disability of 14.33 percent to the body as a whole with reference to her low back injury. The parties further stipulated that the Employee was entitled to \$19,500.00 in permanent partial disability benefits. In addition, the parties stipulated that the Employee was in need of future medical care to cure and relieve her from the effects of the injury she sustained in the May 23, 2003 accident at work.

After considering the stipulations and all the evidence, I find and believe that the Employee, Ms. Pamela Hood, sustained an accident at work on May 23, 2003, which arose out of and in the course and scope of her employment. I find that the accident occurred in Liberty, Clay County, Missouri, and that the parties agreed to have the matter heard in Kansas City, Jackson County, Missouri.

I find that the Employer had notice of the accident, as well as Ms. Hood's resulting injury and that the compensation rate is \$463.57/\$340.12 per week. I find that the Employer has paid \$15,540.72 in medical aid. The Employer is granted a credit for the payments. I also find that the Employer has paid \$2,317.85, representing five weeks of temporary total disability benefits. Again, the Employer is granted a credit for the temporary total disability payments.

I find, based on the stipulations, that the Employee sustained a permanent partial disability of 14.33 percent to the body as a whole with reference to her low back injury. I find pursuant to the stipulation that the Employee is entitled to \$19,500 based on the permanent partial disability she sustained in the accident. Her employer is ordered to pay that amount to Claimant.

In addition, I find, based on the stipulation that the Employee is in need of future medical treatment to cure and relieve her from the effects of the injury she sustained in the May 23, 2003 accident at work. Her Employer is hereby ordered to provide Claimant with such reasonable and necessary medical treatment needed to cure and relieve Claimant from the effects of the injury she sustained in the May 23, 2003 accident for so long as she remains in need of such treatment.

Date: \_\_\_\_\_

Made by: \_\_\_\_\_

Kenneth J. Cain  
*Chief Administrative Law Judge*  
*Division of Workers' Compensation*

A true copy: Attest:

\_\_\_\_\_  
Patricia "Pat" Secrest  
*Director*  
*Division of Workers' Compensation*