

TEMPORARY OR PARTIAL AWARD
(Affirming Award and Decision of Administrative Law Judge
with Correction)

Injury No.: 04-073460

Employee: Mary Huffmaster
Employer: American Recreation Products
Insurer: Travelers Casualty and Surety Company
Additional Party: Treasurer of Missouri as Custodian
of Second Injury Fund
Date of Accident: July 14, 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, which provides for review concerning the issue of liability only. Having reviewed the evidence and considered the whole record concerning the issue of liability, the Commission finds that the award of the administrative law judge in this regard is supported by competent and substantial evidence and was made in accordance with the Missouri Workers' Compensation Act with a correction added to Ruling of Law number 2, regarding temporary total disability. Pursuant to section 286.090 RSMo, the Commission affirms and adopts the award and decision of the administrative law judge dated December 21, 2004, with the following correction.

Rulings of Law No. 2, is corrected to read as follows:

2. Employer/insurer is to pay employee temporary total disability benefits from the date of the injury until the date of the hearing and into the future pursuant to section 287.170 RSMo.

This award is only temporary or partial, 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 section 287.510 RSMo.

The award and decision of Administrative Law Judge Cornelius T. Lane, issued December 21, 2004, is attached and incorporated by this reference, except to the extent corrected herein.

Given at Jefferson City, State of Missouri, this 25th day of May 2005.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

Attest: John J. Hickey, Member

Secretary

TEMPORARY OR PARTIAL AWARD

Employee: Mary Huffmaster Injury No.: 04-073460

Dependents: N/A Before the

Employer: American Recreation Products

Division of Workers'
Compensation
Department of Labor and Industrial
Relations of Missouri

Additional Party: Second Injury Fund
Jefferson City, Missouri

Insurer: Travelers Casualty & Surety Company

Hearing Date: November 30, 2004 Checked by: CTL:tr

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: July 14, 2004
5. State location where accident occurred or occupational disease contracted: St. Louis County, Mo.
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 happened or occupational disease contracted:
Employee was leaving work when she fell on the parking lot adjacent to her Employer's office.
12. Did accident or occupational disease cause death? No Date of death? N/A
13. Parts of body injured by accident or occupational disease: Fractures of Claimant's right and left wrists
14. Compensation paid to-date for temporary disability: None
15. Value necessary medical aid paid to date by employer/insurer? To be determined
16. Value necessary medical aid not furnished by employer/insurer? To be determined

Employee: Mary Huffmaster Injury No.: 04-073460

17. Employee's average weekly wages: \$616.00

18. Weekly compensation rate: \$410.26/\$354.04

19. Method wages computation: Division file

COMPENSATION PAYABLE

20. Amount of compensation payable:

Past medical expenses *

Future medical care **

20 weeks of past temporary total disability benefits \$8,205.20

Future temporary total disability***

(all use of an asterisk (*) denotes an uncertain amount not provided at hearing or contingent)

21. Second Injury Fund liability: No

TOTAL: \$8,205.20 * ** ***

22. Future requirements awarded:

Each of said payments to begin immediately and be subject to modification and review as provided by law. This award is only temporary or partial, is subject to further order, and the proceedings are hereby continued and the case kept open until a final award can be made.

IF THIS AWARD IS NOT COMPLIED WITH, THE AMOUNT AWARDED HEREIN MAY BE DOUBLED IN THE FINAL AWARD, IF SUCH FINAL AWARD IS IN ACCORDANCE WITH THIS TEMPORARY AWARD.

The compensation awarded to the claimant shall be subject to a lien in the amount of N/A which is awarded above as costs of recovery 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: Mary Huffmaster

Injury No.: 04-073460

Dependents: N/A

Before the
Division of Workers'

Employer: American Recreation Products

Compensation

Department of Labor and Industrial

Additional Party: Second Injury Fund

Relations of

Missouri

Jefferson City, Missouri

Insurer: Travelers Casualty & Surety Company

Checked by: CTL:tr

PREFACE

A temporary hearing was held in the above-mentioned matter on November 30, 2004 before Administrative Law Judge Cornelius T. Lane, Jr. Claimant was represented by Attorney Scott Schonburn and the Employer/Insurer was represented by Attorney Robert Frayne.

ISSUE

1. Did Claimant's injuries arise out of and in the course of employment?

EXHIBITS

The Claimant offered the following exhibits:

Claimant's Exhibit A. Bill from Creve Coeur Fire Protection District.
Claimant's Exhibit B. Medical Records of Dr. Martin Boyer.
Claimant's Exhibit C. Medical Records of Dr. Shari Cohen.

The Employer/Insurer did not offer any exhibits.

FINDINGS OF FACT

1. Claimant, Mary Huffmaster, on July 14, 2004, while leaving work at approximately 4:00 p.m., walked out the side door of the building which her Employer is a tenant and fell as she walked across the parking lot to her car.
2. Claimant fell on her hands causing a fracture of her left and right wrists. Claimant's Employer was a tenant of the building and surrounding the building was a parking lot where Claimant would park.
3. Claimant normally worked from 7:00 a.m. to 4:00 p.m.

4. After Claimant fell on the ground fellow employees of her Employer helped her and her Employer called an ambulance and took the Claimant to Barnes Jewish Hospital.
5. As a result of the fall Claimant was operated on by Dr. Martin Boyer who did surgery on the right wrist which had been fractured and also operated on the left wrist which had also sustained a fracture.
6. Claimant is still off work and under the care of Dr. Boyer and Claimant has not gone back to work as of the date of the hearing.

RULINGS OF LAW

1. Claimant's injuries arose out of and in the course of her employment.
2. Employer is to pay Claimant temporary total disability from the date of the injury until the date of the hearing and into the future until she reaches maximum medical improvement.
3. Employer is to pay all of Claimant's medical bills incurred as a result of the fall and injuries to her wrists and provide the Claimant with any future medical necessary to resolve her injuries that she sustained.

Date: _____

Made by:

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

A true copy: Attest:

Gary J. Estenson
Acting Director
Division of Workers' Compensation