

FINAL AWARD ALLOWING COMPENSATION
(Pursuant to the Mandate of the Missouri Court of Appeals, Western District)

Injury No.: 01-014020

Employee: William Kempker
Employer: ABB T & D
Insurer: Self-Insured
c/o Gallagher Bassett
Additional Party: Treasurer of Missouri as Custodian
of Second Injury Fund
Date of Accident: February 24, 2001
Place and County of Accident: Jefferson City, Missouri

On August 21, 2007, the Missouri Court of Appeals for the Western District issued an opinion affirming in part and reversing in part the August 23, 2006, Final Award of the Labor and Industrial Relations Commission (Commission) in the above-referenced case. By mandate issued November 26, 2007, the Court remanded this matter to the Commission for entry of an award of future medical benefits in accordance with the Court's opinion dated August 21, 2007. *ABB Power T&D Co. v. Kempker*, WD67465, 2007 Mo.App. Lexis 1143 (Mo.App. W.D. 2007). The award was affirmed in all other respects.

Pursuant to the Court's opinion and mandate, we issue this new award reversing the portion of the award of the administrative law judge dated February 21, 2006, denying future medical benefits.

Employee's testimony along with the medical expert testimony provided by Dr. Volarich establishes that employee's need for future medical care flows from his last injury and will continue in the future. Employee sustained his burden of proof that the need for future medical care arose from his last injury. We award employee future medical benefits necessary to cure and relieve employee from the effects of this injury.

Given at Jefferson City, State of Missouri, this 3rd day of January 2008.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

John J. Hickey, Member

Attest:

Secretary