

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

Injury No.: 02-019294

Employee: John Mattison
Employer: High Hill Christian Assembly (Settled)
Insurer: Brotherhood Mutual Insurance Company (Settled)
Additional Party: Treasurer of Missouri as Custodian
of Second Injury Fund

The above-entitled workers' compensation case is submitted to the Labor and Industrial Relations Commission (Commission) for review as provided by § 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 Law. Pursuant to § 286.090 RSMo, the Commission affirms the award and decision of the administrative law judge dated December 10, 2013. The award and decision of Chief Administrative Law Judge Robert J. Dierkes, issued December 10, 2013, is attached and incorporated by this reference.

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 19th day of August 2014.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

John J. Larsen, Jr., Chairman

James G. Avery, Jr., Member

DISSENTING OPINION FILED
Curtis E. Chick, Jr., Member

Attest:

Secretary

Employee: John Mattison

DISSENTING OPINION

I have reviewed and considered all of the competent and substantial evidence on the whole record. Based on my review of the evidence as well as my consideration of the relevant provisions of the Missouri Workers' Compensation Law, I am convinced that the decision of the administrative law judge is in error and that the decision should be modified to award permanent total disability benefits from the Second Injury Fund.

Employee suffers from a number of preexisting disabling conditions. In 1982, employee suffered a left knee injury which ultimately cost him his career as a Navy mechanic. Employee underwent a medial compartment arthrotomy in 1982, an arthroscopic debridement in 1995, and finally a total left knee replacement in 1999. During the course of employee's work for employer, employee's left knee was constantly swollen and he would have to ice it at the end of the day.

In 1993, employee slipped and fell in a drug store, suffering an injury to his right shoulder. Employee suffered from rotator cuff tendinitis thereafter.

Employee has suffered from anxiety, depression, and anger issues from a young age. These conditions affected employee's concentration at work and negatively impacted his interactions with coworkers and supervisors. At times, employee had to take off work in order to deal with his depression. In 1993 and again in 1994, doctors prescribed Xanax and Zoloft, but employee stopped taking these medications because he didn't like the way they made him feel.

Employee suffered two hernias in the past, one of which was surgically corrected. Employee has to be careful with lifting in light of these conditions.

Employee performed maintenance work at employer's summer camp. Employee's duties included plumbing and electrical work, mowing, upkeep on the pool, and working on the dormitories. On January 3, 2002, employee was cutting limbs from a downed tree, when the tree rolled. One of the limbs caught employee and threw him approximately 12 feet into the air. As a result, employee sustained a severe left wrist strain/sprain injury resulting in extensor tendinopathy, as well as a severe left knee contusion with aggravation of employee's postsurgical condition.

In his appeal to this Commission, employee argues he is permanently and totally disabled due to a combination of the last work injury and his preexisting disabling conditions. Section 287.220 RSMo creates the Second Injury Fund and provides when and what compensation shall be paid from the fund in "all cases of permanent disability where there has been previous disability." For the Fund to be liable for permanent total disability benefits, employee must establish that: (1) she suffered from a permanent partial disability as a result of the last compensable injury; and (2) that disability has combined with a prior permanent partial disability to result in total permanent disability. *ABB Power T & D Co. v. Kempker*, 236 S.W.3d 43, 50 (Mo. App. 2007).

Employee presented expert medical testimony from Drs. David Volarich and Wayne Stillings, who each opined that employee is unable to be employed in the open labor market due to a combination of the primary injury and his preexisting conditions of ill-being. Employee also

Employee: John Mattison

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provided expert vocational testimony from Stephen Dolan, who opined that employee is unemployable based on a combination of the primary injury and employee's preexisting conditions. The Second Injury Fund did not present any contrary evidence. Yet, the administrative law judge disregarded the unanimous opinions from the expert witnesses, in favor of his own lay opinion that employee doesn't have any psychiatric disability, and is not permanently and totally disabled because he was able to secure some sporadic part-time work after the primary injury.

I disagree with the administrative law judge's (and the majority's) choice to disregard the unanimous expert opinion evidence regarding employee's ability to work. I would find that employee met his burden under § 287.220 RSMo of establishing that he is permanently and totally disabled due to a combination of the January 2002 injury and his preexisting disabling conditions. I would modify the decision of the administrative law judge and award permanent total disability benefits from the Second Injury Fund.

Because the majority has determined otherwise, I respectfully dissent.

Curtis E. Chick, Jr., Member

AWARD

Employee: **John Mattison**

Injury No. **02-019294**

Dependents:

Employer: **High Hill Christian Assembly (settled)**

Before the
**DIVISION OF WORKERS'
COMPENSATION**

Additional Party: **Second Injury Fund**

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

Insurer: **Brotherhood Mutual Insurance Company (settled)**

Hearing Date: **September 9, 2013**

Checked by: RJD/njp

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: **January 3, 2002.**
5. State location where accident occurred or occupational disease was contracted: **Montgomery 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 was injured while cutting a tree as a part of his duties as maintenance director.**
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: **Left wrist; left knee.**
14. Nature and extent of any permanent disability: **15% permanent partial disability of the left wrist and 15% permanent partial disability of the left knee. Employee is also awarded additional permanent partial disability benefits of 34.7175 weeks from the Second Injury Fund.**
15. Compensation paid to-date for temporary disability: **None.**
16. Value necessary medical aid paid to date by employer/insurer? **\$9,165.81.**

Employee: **John Mattison**

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17. Value necessary medical aid not furnished by employer/insurer? **Unknown.**
18. Employee's average weekly wages: **Sufficient for maximum permanent partial disability rate.**
19. Weekly compensation rate: **\$329.42 for permanent partial disability.**
20. Method wages computation: **Section 287.250.2**

COMPENSATION PAYABLE

From Second Injury Fund: 34.7175 weeks of permanent partial disability benefits, totaling \$11,436.64.

Said payments to begin immediately 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 **25%** of all payments hereunder in favor of the following attorney for necessary legal services rendered to the claimant:

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Employee: **John Mattison**

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FINDINGS OF FACT AND RULINGS OF LAW

Employee: **John Mattison**

Injury No. **02-019294**

Dependents:

Employer: **High Hill Christian Assembly (settled)**

Additional Party: **Second Injury Fund**

Insurer: **Brotherhood Mutual Insurance Company (settled)**

Before the
**DIVISION OF WORKERS'
COMPENSATION**
Department of Labor and Industrial
Relations of Missouri
Jefferson City, Missouri

ISSUES DECIDED

The evidentiary hearing in this case was held on September 9, 2013 in Mexico, Missouri. The hearing was held to determine the liability of the Second Injury Fund, if any, for permanent partial disability benefits or permanent total disability benefits. Additional issues to be decided were: average weekly wage, compensation rates, and dependency. The parties requested leave to file post-hearing briefs, which leave was granted. The case was submitted on October 18, 2013.

STIPULATIONS

The parties stipulated as follows:

1. That the Missouri Division of Workers' Compensation has jurisdiction over this case;
2. That venue for the evidentiary hearing is proper in Montgomery County and adjoining counties, including Audrain County;
3. That the claim for compensation was filed within the time allowed by the statute of limitations, Section 287.430, RSMo;
4. That both Employer and Employee were covered under the Missouri Workers' Compensation Law at all relevant times;
5. That Claimant, John Mattison, sustained an accident arising out of and in the course of his employment with High Hill Christian Assembly on January 3, 2002;
6. That the notice requirement of Section 287.420 does not serve as a bar to the claim for compensation in this case.

Employee: **John Mattison**

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EVIDENCE

The evidence consisted of the testimony of Claimant, John Mattison, as well as the deposition testimony of Claimant; the deposition testimony of J. Stephen Dolan, a certified rehabilitation counselor; medical records; the deposition testimony and medical reports of Dr. David T. Volarich; certified records of the Missouri Division of Workers' Compensation; Certificate of Marriage; and certain correspondence.

FINDINGS OF FACT AND RULINGS OF LAW

In addition to those facts and the legal conclusions to which the parties stipulated, I find the following facts and make the following rulings of law:

1. Claimant, John Mattison, was born on November 22, 1960;
2. Claimant has an 11th grade education and obtained a GED in 1986;
3. Claimant was in the United States Navy from 1978 to 1986;
4. While in the United States Navy, Claimant took classes to become a master diesel mechanic and also took classes on diesel engine construction;
5. In 1982, Claimant injured his left knee in the Navy while playing softball;
6. In 1986, Claimant left the United States Navy due to his left knee injury;
7. In 1986, Claimant received an "honorable discharge with medical condition" from the United States Navy;
8. Claimant testified that he was devastated with the loss of his position with the United States Navy, testifying that "the Navy was my life", "a part of me died that day", and "I had nothing else to fall back on";
9. Nevertheless, from 1987 to 1995, Claimant worked as a civilian at the Great Lakes Training Center as a galley worker and stationary engineer;
10. Claimant drove a dump truck for Stubbs Trucking for approximately 3 months in 1996 and for two months in 1998;
11. Claimant also performed a few "odd jobs" in 1996, 1997 and 1998;
12. In 1999 Claimant underwent a left total knee replacement; Claimant testified that his left knee was "wonderful" post-surgery;
13. After the left total knee replacement surgery, Claimant worked for Employer on a volunteer basis for several months and, beginning in April 2000, Claimant worked as a paid employee;
14. Claimant's work for Employer was as a "maintenance director" which included plumbing, carpentry, electrical work, and maintenance of the pool, dormitories and grounds;
15. Claimant was a full-time employee beginning in April 2000, working as much as 90 hours a week;
16. In 2001, Claimant's right knee "popped" when he was in a swimming pool;
17. In 1992, Claimant underwent hernia repair surgery for an umbilical hernia;
18. In January 1993, Claimant injured his right shoulder, and received an injection in the right shoulder in February 1993;

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19. In April 1995, Claimant fell approximately 4 feet, landing on his buttocks; Claimant was diagnosed with a mild back strain and contusion, was prescribed medication and physical therapy;
20. Dr. David Volarich evaluated Claimant on July 9, 2012; regarding Claimant's pre-existing disabilities (i.e., those disabilities existing prior to and at the time of the January 3, 2002 accident), Dr. Volarich opined that Claimant had a pre-existing permanent partial disability of 60% of the left knee, 35% permanent partial disability of the right knee, 7.5% permanent partial disability of the body as a whole due to the umbilical hernia, and 15% permanent partial disability of the right shoulder;
21. Dr. Volarich also opined that Claimant had a pre-existing permanent partial disability of 10% of the body as a whole rated at the lumbar spine due to mild chronic lumbar syndrome, despite the fact that Claimant advised Dr. Volarich that, prior to January 3, 2002 his low back improved and Claimant "could identify no hindrance to employment";
22. Claimant sustained an accident arising out of and in the course of his employment with Employer on January 3, 2002 when he was cutting apart a tree that he had cut down, when the tree shifted and threw Claimant to the ground; Claimant landed on his left side, injuring his left wrist and left knee;
23. Claimant received conservative treatment for his left knee and left wrist injuries;
24. Claimant continued to work for Employer after the January 3, 2002 accident until Claimant voluntarily left the employment in August 2002;
25. Claimant received \$400.00 per week in pay from Employer; he also received as additional compensation a house, utilities and food;
26. Claimant settled his claim with Employer for the January 3, 2002 accident for a sum of money representing 15% permanent partial disability of the left wrist and 15% permanent partial disability of the left knee;
27. Claimant underwent right knee surgery on July 25, 2002;
28. Claimant had injections in his right knee in September 2008 and January 2009;
29. In April 2009 Claimant underwent additional right knee surgery;
30. In December 2009 Claimant underwent a total right knee replacement surgery;
31. In July 2003 Claimant was involved in a motor vehicle accident, injuring his right shoulder, neck and ribs;
32. In April 2005 Claimant began experiencing left shoulder pain from rolling up a window; in September 2007 a left shoulder MRI showed a prominent partial thickness tear of the distal supraspinatus and infraspinatus, a nondisplaced tear of the labrum and degenerative changes of the AC joint;
33. In 2006 Claimant had surgery on his left thumb consisting of resection arthroplasty of the CMC joint and flexor carpi radialis tenodesis;
34. In July 2008 Claimant was seen for right-sided low back pain radiating into his right buttock and calf; Claimant gave a history of using a pry bar to remove flooring and siding from a barn when he slipped and fell; later in July 2008 Claimant was seen for increased low back pain after lifting some rocks; an MRI showed mild disc bulges at L4-5 and L5-S1;
35. In 2007 Claimant was seen for complaint of left elbow pain of two week duration; Claimant was diagnosed with lateral epicondylitis;

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36. In 2005 Claimant was diagnosed with a right hip fracture;
37. Claimant was diagnosed with borderline type II diabetes in 2006 and is on diabetes medication currently;
38. After leaving his employment with Employer, Claimant worked for a few months for Bud's Rental, working approximately 27 hours per week;
39. In the summer of 2003, Claimant drove a dump truck for Tri-County Trucking for two or three months, working 40 hour weeks;
40. In the spring and summer of 2004, Claimant worked as a mechanic at Mayo Auto Clinic, working "short weeks", i.e., less than 40 hours per week;
41. In the summer and fall of 2004, Claimant drove a dump truck for Wildschutz Trucking Company, working 40 hour weeks; Claimant "took the winter layoff" and again drove for Wildschutz in the spring of 2005, working 40 hour weeks; Claimant told Stephen Dolan that he left Wildschutz "because of too much left hand pain";
42. In 2005, Claimant began receiving Social Security Disability benefits;
43. Dr. David Volarich opined that Claimant sustained a permanent partial disability of 25% of the left wrist and a permanent partial disability of 25% of the left knee as a result of the work-related accident of January 3, 2002;
44. Dr. David Volarich opined that Claimant is permanently and totally disabled; in this regard, his report of July 9, 2012 states:

It is my own opinion that Mr. Mattison is unable to engage in any substantial gainful activity nor can he be expected to perform in an ongoing working capacity in the future. It is my opinion that he cannot be reasonably expected to perform in an ongoing basis eight hours per day, five days per week throughout the work year. It is also my opinion that he is unable to continue in his line of employment that he last held as a maintenance director for High Hill Christian Assembly nor can he be expected to work on a full-time basis in a similar job.

Based upon my medical assessment alone, it is my opinion that Mr. Mattison is permanently and totally disabled as a direct result of the work-related injuries of 1/3/02 in combination with his pre-existing medical conditions. It is my opinion that he was permanently and totally disabled effective 1/05 when a vocational assessment determined he was unable to return to work and this was also the time that he received social security benefits. I note that he tried to get back to work on three different occasions the most recent in 11/07 but was never able to work more than a couple of months at three different jobs. I note that he is 51 years old (approaching advanced age), has an education limited to the 11th grade but note that he earned a GED, note that he has worked as a laborer or truck driver the majority of his working career, that he has been unable to get back to work since 11/07, and has received social security benefits.

45. The last treatment Claimant received for the injuries he sustained in the work related accident of January 3, 2002 was on March 4, 2003 when Dr. Rummel released Claimant from his care; Claimant was 42 years of age on March 4, 2003;

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46. In January 2005 Claimant was 44 years of age;
47. On September 26, 2012, Claimant was evaluated by Dr. Wayne Stillings, a board certified psychiatrist; Dr. Stillings noted that Claimant related a long history of being “an anxious and nervous individual”, which caused disruption at all his places of employment; Dr. Stillings noted that Claimant underwent a court-ordered evaluation by a psychiatrist for 15 minutes in 1990, apparently as a part of divorce/custody proceedings; Dr. Stillings noted that Claimant was seen by a general practitioner in October 1993 for depression and conflict at work (while Claimant was employed with a civilian defense contractor) and was placed on an antidepressant and anti-anxiety medication; Dr. Stillings noted that Claimant took the medication for one day and discontinued them because of side effects; Dr. Stillings also noted that Claimant informed him that, apparently also during October 1993, he saw a doctor whom he believed was evaluating him for depression and anxiety, but Claimant did not return to that doctor “because he was not a Christian”;
48. Dr. Stillings also noted that in 2005 Claimant began receiving treatment at the VA Hospital in Columbia, Missouri, and received psychotherapy from a psychologist; Claimant was also prescribed Zoloft and Klonopin, but did not take the medications because of side effects; Dr. Stillings also noted that Claimant found the psychotherapy somewhat helpful in reducing his anxiety but not particularly helpful in reducing his depression; Dr. Stillings also noted that Claimant discontinued receiving mental health care at the VA Hospital in 2008;
49. Dr. Stillings opined that Claimant had psychiatric disabilities pre-existing the January 3, 2002 work injury, those being generalized anxiety disorder (10% permanent partial disability of the body as a whole), major depressive disorder (10% permanent partial disability of the body as a whole), pain disorder (10% permanent partial disability of the body as a whole), parent-child relational problem (10% permanent partial disability of the body as a whole), and personality disorder (5% permanent partial disability of the body as a whole);
50. Dr. Stillings opined that, as a result of the January 3, 2002 work injury, Claimant sustained aggravation of his pre-existing psychiatric conditions, resulting in additional disability, as follows: aggravation of generalized anxiety disorder (an additional 10% permanent partial disability of the body as a whole), aggravation of major depressive disorder (an additional 10% permanent partial disability of the body as a whole), aggravation of pain disorder (an additional 10% permanent partial disability of the body as a whole); Dr. Stillings further opined that Claimant is permanently and totally disabled due to a combination of pre-existing conditions and the work injury of January 3, 2002;
51. Dr. Stillings’ opinions regarding Claimant’s pre-existing psychiatric disabilities are not credible as they are based almost entirely on Claimant’s self-serving history and not on medical records or any objective criteria; Dr. Stillings’ opinions regarding the pre-existing psychiatric disabilities also lack credibility in light of Claimant’s steady work history prior to January 3, 2002 including working 90 hour weeks for Employer, and also in light of an almost total lack of mental health treatment prior to January 3, 2002;
52. On February 13, 2002, Claimant completed a depression screening; Claimant answered “NO” for whether he felt depressed for two or more weeks in the past

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- year, “NO” for whether he had depression two or more years in his life, and “NO” for whether he felt sad or depressed much of the time in the past year; on February 19, 2004 Claimant completed a depression screening; the results showed that Claimant was not feeling depressed or hopeless, nor did it show that Claimant had little interest in doing things he usually enjoyed, within the past month;
53. Dr. Stillings’ opinions regarding Claimant’s psychiatric disorders as a result of the January 3, 2002 work injury are not credible as they are based almost entirely on Claimant’s self-serving history and not on medical records or any objective criteria; Dr. Stillings’ opinions in this regard to further lack credibility as Claimant’s depression screenings for more than two years after the January 3, 2002 work injury were negative, and it was only after Claimant was initially denied Social Security disability benefits that he began seeking mental health care; Dr. Stillings’ opinions in this regards further lack credibility as Claimant voluntarily settled his case against Employer in February 2013 with no compensation whatsoever being paid for (alleged) psychiatric disabilities;
 54. Dr. Stillings’ opinions are not helpful in resolving any of the contested issues in this case;
 55. On October 30, 2012, Claimant was evaluated by J. Stephen Dolan, a certified rehabilitation counselor; testing performed by Dolan showed that Claimant’s reading and spelling levels were in the average range and his math level was above average; based upon the findings of Dr. Volarich and Dr. Stillings, and a transferable skills analysis, Dolan concluded that Claimant was unable to perform any employment for which a reasonably stable market exists due to the combination of the January 3, 2002 injuries and the pre-existing injuries;
 56. The evaluations performed by Mr. Dolan, Dr. Volarich and Dr. Stillings were all performed more than nine years after Claimant completed his treatment for the January 3, 2002 injuries; these evaluations were performed after Claimant’s subsequent injuries to the right knee in 2009, to the cervical spine in 2005, to the left shoulder in 2007, to the left thumb in 2006, to the left elbow in 2007, and after Claimant’s low back injury in 2008 with diagnoses of lumbar spine degenerative disc disease and bulging discs at L4-5 and L5-S1 with transient right lower extremity radiculopathy;
 57. The opinions of Mr. Dolan, Dr. Volarich and Dr. Stillings that Claimant is permanently and totally disabled as a result of the January 3, 2002 injuries in combination with his pre-existing disabilities ignore the fact that Claimant was able to successfully maintain employment as a dump truck driver working 40 hours per week through the spring of 2005;
 58. The opinions of Mr. Dolan and Dr. Volarich that Claimant is permanently and totally disabled were made when Claimant was 51 years of age, had been receiving Social Security disability benefits for seven years, and had sustained several substantial injuries and conditions subsequent to the work injury of 1/3/02, including a low back injury in 2008 when Claimant was tearing down a barn; the 2012 opinions stating that Claimant is permanently and totally disabled did not accurately reflect Claimant’s condition in March 2003 when he was 42 years of age at the conclusion of his treatment for the work injuries of January 3, 2002;

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59. Claimant is not entitled to permanent total disability benefits from the Second Injury Fund;
60. As Claimant is not entitled to permanent total disability benefits, the issue of dependency is moot;
61. Section 287.250.2 states, in part: “(f)or purposes of this section, the term "gross wages" includes, in addition to money payments for services rendered, the reasonable value of board, rent, housing, lodging or similar advance received from the employer”; as Claimant received \$400.00 per week in money payments as well as food, lodging and utilities from Employer, Claimant’s total gross wages were clearly in excess of \$500.00, and therefore the maximum permanent partial disability compensation rate of \$329.42 applies; as Claimant is not entitled to permanent total disability benefits, the issue of Claimant’s permanent total disability compensation rate is moot;
62. Claimant’s compensable “last injury” resulted in permanent partial disability equivalent to 15% of the left wrist (26.25 weeks) and 15% of the left knee (24 weeks);
63. As of the time the last injury was sustained, Claimant had a preexisting permanent partial disability to the left knee, which meets the statutory threshold and is of such seriousness as to constitute a hindrance or obstacle to employment or reemployment, being 60% of the left knee (96 weeks);
64. As of the time the last injury was sustained, Claimant had a preexisting permanent partial disability to the right knee, which meets the statutory threshold and is of such seriousness as to constitute a hindrance or obstacle to employment or reemployment, being 20% of the right knee (32 weeks);
65. As of the time the last injury was sustained, Claimant had a preexisting permanent partial disability to the body as a whole/abdominal wall, which is of such seriousness as to constitute a hindrance or obstacle to employment or reemployment, being 7.5% of the body as a whole (30 weeks);
66. As of the time the last injury was sustained, Claimant had a preexisting permanent partial disability to the right shoulder, which is of such seriousness as to constitute a hindrance or obstacle to employment or reemployment, being 10% of the right shoulder (23.2 weeks);
67. The credible evidence establishes that the last injury (left wrist and left knee), combined with the pre-existing permanent partial disabilities (left knee, right knee, body as a whole/abdominal wall, right shoulder), causes greater overall disability than the independent sum of the disabilities, and that a 15% loading factor should be applied. The Second Injury Fund liability is calculated as follows: 50.25 weeks for last injury + 181.2 weeks for the preexisting injuries = 231.45 weeks x 15% = 34.7175 weeks of overall greater disability.

ORDER

The Treasurer of the State of Missouri, as custodian of the Second Injury Fund, is ordered to pay Claimant the sum of \$11,436.64 for permanent partial disability benefits.

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Claimant's attorney, Dean Christianson, is allowed 25% of the benefits awarded herein as and for necessary attorney's fees, and the amount of such fees shall constitute a lien on those benefits.

Any past due compensation shall bear interest as provided by law.

Made by /s/ Robert J. Dierkes 12/10/13

Robert J. Dierkes
Chief Administrative Law Judge
Division of Workers' Compensation