

FINAL AWARD

(Pursuant to the Mandate of the Missouri Court of Appeals, Eastern District)

Injury No.: 02-003482

Employee: Daniel Mell  
Employer: Biebel Brothers, Inc.  
Insurer: Missouri Employers Mutual Insurance Co.  
Additional Party: Treasurer of Missouri as Custodian  
of Second Injury Fund  
Date of Accident: January 9, 2002

On March 4, 2008, the Missouri Court of Appeals for the Eastern District issued an opinion reversing a portion of the February 6, 2007, Final Award of the Labor and Industrial Relations Commission (Commission) in the above-referenced injury. In particular, the Court reversed that part of the Commission's Final Award awarding future medical care to employee. By mandate issued March 27, 2008, the Court remanded this matter to the Commission for further proceedings not inconsistent with the March 4, 2008, opinion of the Court. *Mell v. Biebel Brothers, Inc. and Treasurer of the State of Missouri as Custodian of the Second Injury Fund*, No. ED89404, (Mo. App. E.D., March 4, 2008). In all other respects, the award of the Commission was undisturbed by the Court.

Pursuant to the Court's opinion and mandate, we issue this award.

Future Medical Care

The administrative law judge denied employee's request for future medical care. In his Application for Review, employee did not allege the administrative law judge erred in his denial of future medical care. We affirm the administrative law judge's denial of future medical care.

Given at Jefferson City, State of Missouri, this 2nd day of May 2008.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

NOT SITTING

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William F. Ringer, Chairman

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Alice A. Bartlett, Member

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John J. Hickey, Member

Attest:

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Secretary